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ACCOUNTS AND PAPERS:

THIRTY-TWO VOLUMES.

—(*32.*)—

STATE PAPERS.

AND

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Session

2 February —— 24 *August* 1843.

VOL. LXI.

1843.

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1843.

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TREATY

BETWEEN

HER MAJESTY

AND

THE UNITED STATES OF AMERICA,

Signed at Washington, August 9, 1842.

Presented to both Houses of Parliament, by Command of Her Majesty, 1843.

LONDON:

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TREATY

BETWEEN

HER MAJESTY

AND

THE UNITED STATES OF AMERICA,

Signed at Washington, August 9, 1842.

[*Ratifications exchanged at London, October* 13, 1842.]

A TREATY to settle and define the Boundaries between the Possessions of Her Britannick Majesty in North America, and the Territories of the United States:—for the final suppression of the African Slave Trade:—and for the giving up of Criminals, fugitive from Justice, in certain cases.

WHEREAS certain portions of the Line of Boundary between the British Dominions in North America and the United States of America, described in the Second Article of the Treaty of Peace of 1783, have not yet been ascertained and determined, notwithstanding the repeated attempts which have been heretofore made for that purpose; and whereas it is now thought to be for the interest of both Parties that, avoiding further discussion of their respective rights, arising in this respect under the said Treaty, they should agree on a Conventional Line in said portions of the said Boundary, such as may be convenient to both Parties, with such equivalents and compensations as are deemed just and reasonable:—And whereas, by the Treaty concluded at Ghent on the 24th day of December, 1814, between His Britannick Majesty and the United States, an Article was agreed to and inserted, of the following tenor, viz.: "Art. X. Whereas the "Traffick in Slaves is irreconcileable with the principles of humanity "and justice; and whereas both His Majesty and the United States "are desirous of continuing their efforts to promote its entire abolition; it "is hereby agreed, that both the Contracting Parties shall use their best "endeavours to accomplish so desirable an object:"—and whereas, notwithstanding the laws which have at various times been passed by the two Governments, and the efforts made to suppress it, that criminal traffick is still prosecuted and carried on; and whereas Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, and the United States of America, are determined that, so far as may be in their power, it shall be effectually abolished:—And whereas it is found expedient for the better administration of justice, and the prevention of crime within the territories and jurisdiction of the two Parties, respectively, that persons committing the crimes hereinafter enumerated, and being fugitives from justice, should, under certain circumstances, be reciprocally delivered up:—Her Britannick Majesty, and the United States of America, having resolved to treat on these several subjects, have for that purpose appointed their respective Plenipotentiaries to negotiate and conclude a Treaty, that is to say: Her Majesty the Queen of the United Kingdom of Great Britain and Ireland has, on Her part, appointed the Right Honourable Alexander Lord Ashburton, a Peer of the said United Kingdom, a Member of Her Majesty's Most Honourable Privy Council, and Her Majesty's Minister Plenipotentiary on a Special Mission to the United States; and the President of the United States has, on his part, furnished

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with Full Powers Daniel Webster, Secretary of State of the United States; who, after a reciprocal communication of their respective Full Powers, have agreed to and signed the following Articles:—

ARTICLE I.

It is hereby agreed and declared, that the Line of Boundary shall be as follows:—Beginning at the monument at the source of the River St. Croix, as designated and agreed to by the Commissioners under the Fifth Article of the Treaty of 1794, between the Governments of Great Britain and the United States; thence north, following the exploring line run and marked by the Surveyors of the two Governments in the years 1817 and 1818, under the Fifth Article of the Treaty of Ghent, to its intersection with the River St. John, and to the middle of the channel thereof; thence up the middle of the main channel of the said River St. John to the mouth of the River St. Francis; thence up the middle of the channel of the said River St. Francis, and of the lakes through which it flows, to the outlet of the Lake Pohenagamook; thence south-westerly, in a straight line, to a point on the north-west branch of the River St. John, which point shall be ten miles distant from the main branch of the St. John, in a straight line and in the nearest direction; but if the said point shall be found to be less than seven miles from the nearest point of the summit or crest of the highlands that divide those rivers which empty themselves into the River St. Lawrence from those which fall into the River St. John, then the said point shall be made to recede down the said north-west branch of the River St. John, to a point seven miles in a straight line from the said summit or crest; thence in a straight line, in a course about south, eight degrees west, to the point where the parallel of latitude of 46° 25′ north, intersects the south-west branch of the St. John's; thence southerly by the said branch, to the source thereof in the highlands at the Metjarmette Portage; thence down along the said highlands which divide the waters which empty themselves into the River St. Lawrence, from those which fall into the Atlantic Ocean, to the head of Hall's Stream; thence down the middle of said stream, till the line thus run intersects the old Line of Boundary surveyed and marked by Valentine and Collins previously to the year 1774 as the 45th degree of north latitude, and which has been known and understood to be the line of actual division between the States of New York and Vermont on one side, and the British Province of Canada on the other; and from said point of intersection west along the said dividing line, as heretofore known and understood, to the Iroquois, or St. Lawrence River.

ARTICLE II.

It is moreover agreed, that from the place where the joint Commissioners terminated their labours under the Sixth Article of the Treaty of Ghent, to wit, at a point in the Neebish Channel, near Muddy Lake, the Line shall run into and along the ship channel between St. Joseph's and St. Tammany Islands, to the division of the channel at or near the head of St. Joseph's Island; thence turning eastwardly and northwardly around the lower end of St. George's or Sugar Island, and following the middle of the channel which divides St. George's from St. Joseph's Island; thence up the east Neebish Channel nearest to St. George's Island, through the middle of Lake George; thence west of Jonas' Island into St. Mary's River, to a point in the middle of that river about one mile above St. George's or Sugar Island, so as to appropriate and assign the said island to the United States; thence adopting the line traced on the maps by the Commissioners, through the River St. Mary and Lake Superior, to a point north of Ile Royale in said lake, one hundred yards to the north and east of Ile Chapeau, which last-mentioned island lies near the north-eastern point of Ile Royale, where the line marked by the Commissioners terminates; and from the last-mentioned point south-westerly through

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the middle of the sound between Ile Royale and the north-western mainland, to the mouth of Pigeon River, and up the said river to and through the north and south Fowl Lakes, to the lakes of the height of land between Lake Superior and the Lake of the Woods; thence along the water-communication to Lake Saisaginaga and through that lake; thence to and through Cypress Lake, Lac du Bois Blanc, Lac la Croix, Little Vermillion Lake, and Lake Namecan, and through the several smaller lakes, straits, or streams connecting the lakes here mentioned, to that point in Lac la Pluie, or Rainy Lake, at the Chaudière Falls, from which the Commissioners traced the line to the most north-western point of the Lake of the Woods; thence along the said line to the said most north-western point, being in latitude 49° 23′ 55″ north, and in longitude 95° 14′ 38″ west, from the observatory at Greenwich; thence, according to existing Treaties, due south to its intersection with the 49th parallel of north latitude, and along that parallel to the Rocky Mountains. It being understood that all the water-communications, and all the usual portages along the line from Lake Superior to the Lake of the Woods, and also Grand Portage from the shore of Lake Superior to the Pigeon River, as now actually used, shall be free and open to the use of the subjects and citizens of both countries.

ARTICLE III.

In order to promote the interests and encourage the industry of all the inhabitants of the countries watered by the River St. John and its tributaries, whether living within the Province of New Brunswick, or the State of Maine, it is agreed, that where by the provisions of the present Treaty, the River St. John is declared to be the Line of Boundary, the navigation of the said river shall be free and open to both Parties, and shall in no way be obstructed by either; that all the produce of the forest, in logs, lumber, timber, boards, staves, or shingles, or of agriculture, not being manufactured, grown on any of those parts of the State of Maine watered by the River St. John or by its tributaries, of which fact reasonable evidence shall, if required, be produced, shall have free access into and through the said river and its said tributaries, having their source within the State of Maine, to and from the sea-port at the mouth of the said River St. John's, and to and round the falls of the said river, either by boats, rafts, or other conveyance; that when within the Province of New Brunswick, the said produce shall be dealt with as if it were the produce of the said Province; that in like manner the inhabitants of the territory of the upper St. John, determined by this Treaty to belong to Her Britannick Majesty, shall have free access to and through the river for their produce, in those parts where the said river runs wholly through the State of Maine:—provided always that this agreement shall give no right to either Party to interfere with any regulations not inconsistent with the terms of this Treaty, which the Governments, respectively, of New Brunswick or of Maine may make respecting the navigation of the said river, where both banks thereof shall belong to the same Party.

ARTICLE IV.

All grants of land heretofore made by either Party within the limits of the territory which by this Treaty falls within the dominions of the other Party, shall be held valid, ratified, and confirmed to the persons in possession under such grants, to the same extent as if such territory had by this Treaty fallen within the dominions of the Party by whom such grants were made; and all equitable possessory claims, arising from a possession and improvement of any lot or parcel of land by the person actually in possession, or by those under whom such person claims, for more than six years before the date of this Treaty, shall in like manner be deemed valid, and be confirmed and quieted by a release to the person entitled thereto, of the title to such lot or parcel of land, so described as best to include the improvements made thereon; and in all other respects

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the two Contracting Parties agree to deal upon the most liberal principles of equity with the settlers actually dwelling upon the territory falling to them respectively, which has heretofore been in dispute between them.

ARTICLE V.

Whereas, in the course of the controversy respecting the disputed territory on the north-eastern Boundary, some monies have been received by the authorities of Her Britannick Majesty's Province of New Brunswick, with the intention of preventing depredations on the forests of the said territory, which monies were to be carried to a fund called the "Disputed Territory Fund," the proceeds whereof it was agreed should be hereafter paid over to the parties interested, in the proportions to be determined by a final settlement of Boundaries; it is hereby agreed that a correct account of all receipts and payments on the said fund shall be delivered to the Government of the United States within six months after the ratification of this Treaty; and the proportion of the amount due thereon to the States of Maine and Massachusetts, and any bonds or securities appertaining thereto, shall be paid and delivered over to the Government of the United States; and the Government of the United States agrees to receive for the use of, and pay over to the States of Maine and Massachusetts their respective portions of said fund; and further, to pay and satisfy said States, respectively, for all claims for expenses incurred by them in protecting the said heretofore disputed territory, and making a survey thereof in 1838: the Government of the United States agreeing with the States of Maine and Massachusetts to pay them the further sum of three hundred thousand dollars, in equal moieties, on account of their assent to the Line of Boundary described in this Treaty, and in consideration of the conditions and equivalents received therefor from the Government of Her Britannick Majesty.

ARTICLE VI.

It is furthermore understood and agreed, that for the purpose of running and tracing those parts of the line between the source of the St. Croix and the St. Lawrence River, which will require to be run and ascertained, and for marking the residue of said line by proper monuments on the land, two Commissioners shall be appointed, one by Her Britannick Majesty, and one by the President of the United States, by and with the advice and consent of the Senate thereof; and the said Commissioners shall meet at Bangor, in the State of Maine, on the 1st day of May next, or as soon thereafter as may be, and shall proceed to mark the line above described from the source of the St. Croix to the River St. John, and shall trace on proper maps the dividing line along said river, and along the River St. Francis to the outlet of the Lake Pohenagamook; and from the outlet of the said lake they shall ascertain, fix, and mark by proper and durable monuments on the land, the line described in the First Article of this Treaty; and the said Commissioners shall make to each of their respective Governments a joint report or declaration, under their hands and seals, designating such Line of Boundary, and shall accompany such report or declaration with maps, certified by them to be true maps of the new Boundary.

ARTICLE VII.

It is further agreed, that the channels in the River St. Lawrence on both sides of the Long Sault Islands and of Barnhart Island, the channels in the River Detroit, on both sides of the Island Bois Blanc, and between that island and both the Canadian and American shores, and all the several channels and passages between the various islands lying near the junction of the River St. Clair with the lake of that name, shall be qually free and open to the ships, vessels, and boats of both Parties.

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ARTICLE VIII.

The Parties mutually stipulate, that each shall prepare, equip, and maintain in service on the coast of Africa, a sufficient and adequate squadron, or naval force of vessels, of suitable numbers and descriptions, to carry in all not less than eighty guns, to enforce, separately and respectively, the laws, rights, and obligations of each of the two countries for the suppression of the Slave Trade; the said squadrons to be independent of each other, but the two Governments stipulating nevertheless to give such orders to the officers commanding their respective forces, as shall enable them most effectually to act in concert and co-operation, upon mutual consultation, as exigencies may arise, for the attainment of the true object of this Article; copies of all such orders to be communicated by each Government to the other respectively.

ARTICLE IX.

Whereas, notwithstanding all efforts which may be made on the coast of Africa for suppressing the Slave Trade, the facilities for carrying on that traffick, and avoiding the vigilance of cruizers, by the fraudulent use of flags and other means, are so great, and the temptations for pursuing it, while a market can be found for slaves, so strong, as that the desired result may be long delayed, unless all markets be shut against the purchase of African negroes;—the Parties to this Treaty agree, that they will unite in all becoming representations and remonstrances with any and all Powers within whose dominions such markets are allowed to exist; and that they will urge upon all such Powers the propriety and duty of closing such markets effectually, at once and for ever.

ARTICLE X.

It is agreed that Her Britannick Majesty and the United States shall, upon mutual requisitions by them or their ministers, officers, or authorities, respectively made, deliver up to justice all persons who, being charged with the crime of murder, or assault with intent to commit murder, or piracy, or arson, or robbery, or forgery, or the utterance of forged paper, committed within the jurisdiction of either, shall seek an asylum, or shall be found within the territories of the other:—provided that this shall only be done upon such evidence of criminality as, according to the laws of the place where the fugitive or person so charged shall be found, would justify his apprehension and commitment for trial, if the crime or offence had there been committed; and the respective Judges and other Magistrates of the two Governments shall have power, jurisdiction, and authority, upon complaint made under oath, to issue a warrant for the apprehension of the fugitive or person so charged, that he may be brought before such Judges or other Magistrates, respectively, to the end that the evidence of criminality may be heard and considered; and if, on such hearing, the evidence be deemed sufficient to sustain the charge, it shall be the duty of the examining Judge or Magistrate to certify the same to the proper executive authority, that a warrant may issue for the surrender of such fugitive. The expense of such apprehension and delivery shall be borne and defrayed by the Party who makes the requisition and receives the fugitive.

ARTICLE XI.

The Eighth Article of this Treaty shall be in force for five years from the date of the exchange of the Ratifications, and afterwards, until one or the other Party shall signify a wish to terminate it. The Tenth Article shall continue in force until one or the other of the Parties shall signify its wish to terminate it, and no longer.

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ARTICLE XII.

The present Treaty shall be duly ratified, and the mutual exchange of Ratifications shall take place in London within six months from the date hereof, or earlier if possible.

In faith whereof we, the respective Plenipotentiaries, have signed this Treaty, and have hereunto affixed our seals.

Done in duplicate at Washington, the ninth day of August, Anno Domini One thousand eight hundred and forty-two.

ASHBURTON.
(L.S.)

DAN^L. WEBSTER.
(L.S.)

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CORRESPONDENCE

BETWEEN

GREAT BRITAIN AND THE UNITED STATES

RELATIVE TO

THE TREATY LATELY CONCLUDED AT WASHINGTON;

INCLUDING

INSTRUCTIONS FROM THE EARL OF ABERDEEN TO LORD ASHBURTON.

1842--43.

Presented to the House of Commons, by Her Majesty's Command, April, 1843.

LONDON:
PRINTED BY T. R. HARRISON.

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CORRESPONDENCE

BETWEEN

GREAT BRITAIN AND THE UNITED STATES,

RELATIVE TO

THE TREATY LATELY CONCLUDED AT WASHINGTON; INCLUDING INSTRUCTIONS FROM THE EARL OF ABERDEEN TO LORD ASHBURTON.

1842—1843.

No. 1.

The Earl of Aberdeen to Lord Ashburton.

(Extract.) *Foreign Office, February* 8, 1842.

THE last subject to which I propose to advert is that which, under the designation of the "right of search," has already created so much excitement in the United States.

I am persuaded that this excitement has in great measure been the consequence of misapprehension, and that when the real state of the question at issue shall have been fully explained and understood, it must necessarily subside.

Undoubtedly it would be much more agreeable to Her Majesty's Government, and, I must be permitted to think, more honourable to the United States, if the Cabinet of Washington were now to enter into the league which has been formed by the Great Powers of Europe, and by the mutual concession of a duly regulated right of search, to hold out to humanity the cheering prospect of the final extinction of the odious traffic in slaves. Your Lordship will constantly keep this object in view, and will not omit any seasonable opportunity to renew propositions tending to this result. With the example now happily afforded by all Europe I am unwilling to doubt the ultimate success of our endeavours to include the American Continent in these engagements.

But whatever objections may exist in the United States to the right of search, properly so called, these are not applicable to the present case under discussion between the two Governments. Upon this subject I have really nothing to add to the explanations contained in my notes recently addressed to the Representatives of the United States in this country, with copies of which you have already been furnished. You will there have seen that no such right is asserted by Great Britain. Our object is exclusively limited, where reasonable ground of suspicion shall exist, to ascertain the genuineness of the flag which any vessel may display. Her Majesty's Government have given ample proof of their desire to make these inquiries, when necessary, with every possible precaution, and with the least inconvenience to those concerned. They are ready to adopt additional provisions, if such can be pointed out, which may be still further calculated to prevent the possibility of abuse; but the right itself, being manifestly founded on justice and common sense, they are determined to maintain.

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No. 2.

Lord Ashburton to the Earl of Aberdeen.—(Received May 11.)

(Extract.) *Washington, April* 25, 1842.

I BEGIN with our relations with this country with regard to the Slave Trade, and the so-called Right of Search or Visit; and I do so because I have a communication to make on this subject which I am sure will give your Lordship great satisfaction.

Your Lordship's last letter to Mr. Everett, which has been published here only since the arrival of the "Great Western," has with all reasonable persons settled this controversy. But still there remains the clamour about the right of search, liberty of the seas, &c., which has been sounded through the country: and many who are better informed, entertain the idea that the French Chambers have made their opposition in support of America, and that therefore it does not become this country to abandon the cause. Any efficient right of search would, however, with difficulty be conceded; and I need not add that the practice of visitation, limited as it now is, would give little practical remedy against the tricks of the slave traders. Considering this state of things, I put it to several persons of influence, what remedy they could suggest, and whether America could remain in the position of refusing all remedy against crimes which they had been the most vehement to denounce, and of the existence of which they could not doubt. This view of the case has brought Mr. Webster to the consideration of a scheme for joint cruizing on the coast of Africa, on the plan suggested by the Commissioners at Sierra Leone in their Report to Lord Palmerston, of the 31st of January, 1839, and by his Lordship's order communicated by Mr. Fox to Mr. Forsyth in his note of the 29th of October of the same year.

It is proposed that each country shall engage to maintain at least cruizers on the coast of Africa, one of each nation to cruize constantly together, or, to use the expression of the Commissioners, to hunt in couples.

This plan would be executing on a larger scale the arrangement made between Captain Tucker and the American Lieutenant Payne, which was afterwards disavowed; and I have the satisfaction of adding, that this same Lieutenant Payne has been ordered here with a view to a consultation with the Navy Department as to the best scheme for executing this arrangement.

If this arrangement can be brought to execution by treaty I shall consider it to be the very best fruit of this mission. The vexed question of the Right of Visit will settle itself under this arrangement; and if any formal assurance becomes necessary from me in consequence of my special mission, I shall strictly take for my guide your Lordship's last despatch to Mr. Everett, which leaves nothing to be desired or altered.

No. 3.

The Earl of Aberdeen to Lord Ashburton.

(Extract.) *Foreign Office, May* 26, 1842

WITH reference to that portion of your Lordship's despatch of the 25th of April, which relates to the Right of Search, and to a scheme of joint cruizing on the coast of Africa for the suppression of the Slave Trade carried on in American vessels, I have to inform you, that if you should not find it possible to induce the Government of the United States to become a party to any Convention conferring a mutual Right of Search, Her Majesty's Government would willingly accede to an arrangement of the nature described in your Lordship's despatch.

Your Lordship has already been furnished with a return, showing the amount of the British naval force on the African coast. In the event

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of such an arrangement taking place, it is not to be expected that the American cruizers will be made equal to the whole number of the British; but it will be very desirable that they should be as nearly so as possible; and you will use your utmost endeavours to induce the Government of Washington to employ such a force in this service as may effectually and at once put down the trade in slaves, wherever carried on by citizens or vessels of the United States, or by natives of other countries fraudulently sheltering themselves under the Flag of the Union.

Whatever may be the amount of force employed, it will be essentially necessary that the officers in command of the cruizers of the United States should act under instructions of the same nature as those which, in the British service, are founded upon the equipment articles contained in all Treaties lately concluded between Great Britain and Foreign Powers for the suppression of Slave Trade; so that an American cruizer shall have authority to detain and carry to trial, vessels of its own nation, as well for slave equipment, as for the actual presence of slaves on board.

Further than this, Her Majesty's Government do not consider it necessary to lay down any rule for your Lordship's guidance in the details of the Treaty. It will be a source of sincere satisfaction to them if, in default of a more extended Convention, you should be able to bring the proposed arrangement to a successful conclusion.

No. 4.

Lord Ashburton to the Earl of Aberdeen.—(Received May 30.)

(Extract.) *Washington, May* 12, 1842.

ON the important subject of effectually suppressing the Slave Trade by cooperation, I hope I am making very valuable progress. Your Lordship will find herewith the report of the two American naval officers in reply to certain queries put to them by the Secretary of State on the subject of the African Slave Trade, and the best means of suppressing it. This is a most valuable document. It is written by men of honour, impartiality, and experience, and will show, I believe, that they agree with the general view of the best informed persons of our own country on this subject. With this business I trust your Lordship's instructions in reply to my last despatches will enable me to proceed. Nothing has been done towards framing the Article for cooperation, but it is intended to engage for the employment of a given joint force, leaving to the commanders of it the settlement of their plans of acting. Mr. Webster seemed to think the amount of force to be employed rather large, but has no objection to the United States supporting their half of it. I apprehend that, with respect to the amount of this force, I may safely leave them to please themselves.

Inclosure in No. 4.

Report of Naval Officers to the Government of the United States respecting Slave Trade.

Sir, *Washington City, May* 10, 1842.

IN accordance with the wishes expressed in your communication of the 30th ultimo, we have the honour to submit the following statement:

In reply to the first particular, viz.:—

"The extent of the western coast of Africa, along which the Slave Trade is supposed to be carried on, with the rivers, creeks, inlets, bays, harbours, or ports of the coast to which it is understood slave-ships most frequently resort."

The Slave Trade, from Western Africa to America, is carried on wholly between Senegal, lat. 16° north, longitude 16½° west; and Cape

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Frio, in lat. 18° south, longitude 12° east, a space (following the windings of the coast at the distance of three or four miles) of more than 3,600 miles.

There are scattered along the coast five English, four French, five American, six Portuguese, six or eight Dutch, and four or five Danish settlements; besides many which have been abandoned by their respective Governments.

These settlements are generally isolated; many of them only a fortress without any town, while a few are clusters of villages and farms.

The British, French, and particularly the American settlements exercise an important influence in suppressing the Slave Trade.

The influence of the Danes and Dutch is not material.

The Portuguese influence is supposed to favour the continuance of the trade, except the counter influence of the British, through treaty stipulations.

North of the Portuguese cluster of settlements, of which Bissao is the capital, and south of Benguela (also Portuguese), there is believed to be no probability of a revival of the Slave Trade to any extent.

This leaves about 3,000 miles of coast to which the trade (principally with Cuba, Portorico, and Brazil) is limited.

There are hundreds of trading places on the coast, calling themselves "factories," and each claiming the protection of some civilized Power. Some of these were the sites of abandoned colonies, others have been established by trading companies or individuals.

The actual jurisdiction of a tribe on the coast seldom exceeds ten miles, though these small tribes are sometimes more or less perfectly associated for a greater distance.

Of these factories and tribes, a few have never been directly engaged in the Slave Trade, and are opposed to it; but the great preponderance is of the slave-trading interest.

To enumerate the rivers and inlets of the coast, would not convey a just idea of the slave country or practices; as the embarcation often takes place from the beach where there is no inlet, but we will state a few of the most noted.

Commencing at Cape Roxo, in lat. 12°. 30′. north, and running down the coast as far as the River Mellacoree, in lat. 9°. north, the Slave Trade is more or less carried on, but (in consequence of the vigilance of cruizers) not to the same extent it was a few years ago.

Another portion of the coast, from the limits of the Sierra Leone Colony to Cape Mount (a space including the mouths of six or more rivers) the Slave Trade is extensively prosecuted; here commences the jurisdiction of the American Colonization Society, which extends to Grand Bassa; there are several slave stations between Grand Bassa and Cape Palmas; for thence eastwardly to Cape Coast Castle, situated near the meridian of Greenwich, we believe there are no slave stations; but eastward of this, and in the bights of Benin and Biafra, along the whole coast (which includes the mouths of the great rivers Benin or Formosa Nun, Old and New Calabar, Bonny, Camerons, Gaboon and Congo) with few exceptions, down to Benguela, in lat. 13°. south, the Slave Trade is carried on to a very great extent.

2nd. "The space or belt along the shore, within which cruizers may be usefully employed, for the purpose of detecting vessels engaged in the traffic?"

Men-of-war should always cruize as near the shore as the safety of the vessel will admit, in order to take advantage of the land and sea breezes. Twenty or thirty miles from the coast there are continual calms, where vessels are subject to vexatious delays; besides which, ships engaged in the Slave Trade keep close in with the land, in order to reach their places of destination.

3rd. "The general course of proceeding of a slave-ship, after leaving Brazil or the West Indies, on a voyage to the coast of Africa, for Slaves, including her manner of approach to the shore; her previous bargain or

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arrangement for the purchase of Slaves; the time of her usual stay on or near the coast, and the means by which she has communication with persons on land?"

Vessels bound from the coast of Brazil or the West Indies, to the coast of Africa, are obliged, in consequence of the trade winds, to run north as far as the latitude of 30 or 35, to get into the variable winds; thence to the eastward, until they reach the longitude of Cape Verd Islands; then steer to the southward to their port of destination; and, if bound as far to the eastward as the Gulf of Guinea, usually make the land near Cape Mount or Cape Palmas. Vessels from Brazil, bound to the southern part of the coast of Africa, run south as far as the latitude of 35°. south, and make up their easting in the southern variables.

Slave vessels are generally owned or chartered by those persons who have an interest in the slave establishments on the coast of Africa, where the Slaves are collected and confined in baracoons, or slave prisons, ready for transhipment the moment the vessel arrives; they are, therefore, detained but a short time after arriving at their place of destination. Instances have come to our notice, of vessels arriving at a slave station in the evening, landing their cargo, taking on board all the Slaves, and sailing with the land-breeze the following morning.

It is not unusual, however, for vessels unconnected with any particular slave establishment, to make their purchases after arrival; if any delay is likely to occur, an agent is landed, and the vessel stands to sea and remains absent, for as long a time as may be thought necessary to complete their arrangements. The slavers communicate with the shore, either with their own boats, or boats and canoes belonging to the stations, assisted by the Kroomen in the employ of those on shore.

4th. "The nature of the stations, or *baracoons*, in which Slaves are collected on shore to be sold to the traders; whether usually on rivers, creeks or inlets, or on or near the open shore?"

The slave-stations are variously situated: some near the mouth, others a considerable distance up the rivers, and many directly on the sea shore. The baracoons are thatched buildings, made sufficiently strong to secure the Slaves; and enough of them to contain, in some instances, several thousand.

The Slaves are collected by the negro chiefs in the vicinity, and sold to the persons in charge of the stations, where they are kept confined until an opportunity offers to ship them off.

Materials of all kinds necessary to convert a common trader into a slave-ship are kept on hand, and the change can be completed in a few hours. A number of Kroomen are employed, and boats and canoes ready for immediate service.

The slave stations are generally fortified with canon and muskets, not only to guard against a rising of the slaves, but to protect them from sudden attacks of the natives in the vicinity, and to command their respect.

5th. "The usual articles of equipment and preparation, and the manner of fitting up, by which a vessel is known to be a slaver, though not caught with Slaves on board?"

Vessels engaged in the Slave Trade are either fitted up with a slave-deck, or have the materials on board prepared to put one up in a few hours. Their hatches, instead of being close, as is usual in merchantmen, have gratings; they are supplied with boilers sufficiently large to cook rice or farhina for the number of Slaves they expect to receive; an extra number of water-casks, many more than are sufficient for a common crew; also a number of shackles to secure their Slaves.

Most of these articles, however, are concealed; and everything is

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done to disguise the vessel. It is not unusual for them to have several sets of papers, two or more persons representing themselves as captains or masters of the vessel, and flags of all nations. Every devise is resorted to, to deceive, should they encounter a cruizer.

Some are armed with only a few muskets, others have a number of heavy guns, according to the size of the vessel; and they range from sixty to four hundred tons burden, with crews from ten to upwards of one hundred men.

6th. "The utility of employing vessels of different nations to cruize together, so that one or the other might have a right to visit and search every vessel, which might be met with under suspicious circumstances, either as belonging to the country of the vessel visiting or searching, or to some other country which has, by treaty, conceded such right of visitation and search?"

We are of opinion, that a squadron should be kept on the coast of Africa, to co-operate with the British, or other nations interested in stopping the Slave Trade; and that the most efficient mode would be, for vessels to cruize in couples, one of each nation.

7th. "To what places Slaves, taken from slave-ships on the coast, could be most conveniently taken?"

If captured under the American flag, send them to Cape Mesurado, Liberia; or, if convenient, to such other of the American settlements as the agent for the United States there may wish.

8th. "Finally, what number of vessels, and of what size and description, it would be necessary to employ on the western coast of Africa, in order to put an entire end to the traffic in Slaves; and for what number of years it would probably be necessary to maintain such force to accomplish that purpose; adding such observations as the state of your knowledge may allow, relative to the Slave Trade on the eastern coast of Africa?"

As our personal knowledge of the coast extends to only that part of it comprised between Cape Verd and Cape Palmas, it is difficult to state the exact force required for this service; not less, however, than the following, we think necessary:—

One first-class sloop-of-war.
One steamer, from 200 to 300 tons burden.
Two (eight or ten gun) brigs or schooners.
Ten schooners of about 100 tons, each with four guns.
One store-ship of from 250 to 350 tons.

All the vessels to have one-tenth less than their complements of men, to be filled up with Kroomen on their arrival on the coast.

A steamer (to be fitted up, if possible, to burn either wood or coal, as circumstances require) will be essentially necessary.

That part of the coast of Africa from which Slaves are exported, is subject to light winds and calms; a steamer propelled at the rate of six miles an hour, could easily overtake the fastest sailing vessels; and would be a great auxiliary in ascending rivers and towing boats, in order to attack slave stations. Less duty is performed by sailing cruizers on this coast than on any other we are acquainted with, from the reasons just stated; and the importance of steam-vessels is much increased by this difficulty.

We cannot state confidently how long such force would be necessary, but we are of opinion that in three years the trade would be so far destroyed, as to enable the United States to withdraw a greater part, while a small force of observation would be necessary, until the natives had become accustomed to other occupations, and lost all hope of again engaging in the traffic.

In connection with this subject, we beg leave to remark, that the American fair trader is sometimes obstructed in the most vexatious manner by armed British merchantmen, sustained by British cruizers.

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This arises from the practice which exists with the commanders of single cruizers, the agents of trading companies, the masters of merchantmen, and others, making agreements, treaties, or, as the expression there is, "books," securing to themselves the exclusive trade with the tribe or district. A late instance of this unreasonable, and probably unauthorised, spirit of monopoly, has come to our notice near Cape Mount, where the native chief was induced to believe that he could not make a treaty with the American colonists, because he had made one with the commander of a British cruizer.

The same commander, it is asserted, has also threatened the Governor of the Colony at Monrovia, that he will make reprisals on the commerce of the colony, for exercising the usual jurisdiction at Bassa Cove, only two or three miles from their towns of Bassa and Edina.

Our knowledge of the commanders of British cruizers authorizes us to say, that their conduct is not usually thus unfriendly; but many instances show the propriety of guarding the interests of the fair dealer, who is generally opposed to the Slave Trade.

Respecting these treaties or agreements with the tribes, we think that only the commanders of squadrons, or governors of colonies, should be permitted to make them. And with those over whom their Government cannot reasonably claim jurisdiction, treaties should not be made to the exclusion of other mercantile Powers trading on the coast, as has sometimes been done; and all treaties should contain a prohibition of the Slave Trade.

Commanders of squadrons and governors of colonies should be authorized and directed to seize every opportunity, and make use of all honourable means of inducing the native tribes, and particularly the Emperor of Ashantee, the Empress or Potentate at Loango, and other powerful nations, to enter into agreements to put a stop, as far as their influence extends, to the traffic; to seize and send home for trial all foreigners found on the coast engaged in the Slave Trade, whether belonging to vessels or residing on the coast (for should these persons be permitted to remain, even after their stations are destroyed, they will erect others at points probably less assailable), and they should be enjoined to extend their protection to fair traders, though not of their own nation.

Commanders of squadrons and governors should be authorized and directed to destroy all slave factories within the reach of the force employed; and to proclaim to the tribes in the vicinity, that they must not be renewed, on pain of having their villages also destroyed.

We have little knowledge of the details respecting the Slave Trade on the eastern coast of Africa; no instance has come to our knowledge of the use of the American flag there. From the best information we can obtain, it seems that a large trade is carried on by Portuguese colonies, the Arab chiefs, and negro tribes. Their greatest markets are the Mahometan countries bordering on the Red Sea and Persian Gulf, the Portuguese East India Colonies, Bombay, and perhaps other British possessions in the East Indies; this part of the trade is probably in the hands of the Arabian vessels.

Many are also shipped to Brazil, and some, perhaps, find their way to Cuba and Porto Rico.

In concluding this subject, we beg leave to remark that the field of operations to carry on the Slave Trade is so extensive, the profits so great, and the obstacles in the path so many, so various, so difficult, that every means should be used by civilized nations, and particularly by the United States and Great Britain, to effect the object; and we do not believe that any material good can result without an earnest and cordial co-operation.

We have, &c.,

(Signed) CHAS. H. BELL,
JAS. PAINE,
Commanders U. S. Navy.

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No. 5.

The Earl of Aberdeen to Mr. Fox.

(Extract.) *Foreign Office, January* 18, 1843.

THE statement in the President's late Message to Congress relative to what is called the Right of Search, is of serious import: because to persons unacquainted with the facts, it would tend to convey the supposition, not only that the question of the right of search had been discussed by the Plenipotentiaries at Washington, but that Great Britain had made concessions on that point.

The President must well know that the right of search never formed the subject of discussion during the late negotiations, and that neither was any concession required by the United States Government, nor made by Great Britain.

The engagement entered into by the Parties, as inserted in the Treaty of Washington, for the suppression of the Slave Trade, was unconditionally proposed and agreed to.

Her Majesty's Government saw in it an attempt on the part of the Government of the United States, to give a practical effect to their repeated declarations against the African Slave Trade; and they recognised with satisfaction an advance towards the humane and enlightened policy of all Christian States, from which they could not but anticipate much good.

Great Britain will scrupulously fulfil the conditions of this engagement; but from the principles which she has constantly asserted, and which are recorded in the correspondence between the Ministers of the United States in this country and myself, which took place in 1841, she has never receded, and will not recede. I have no intention to renew at present the discussion upon this subject. It is the less necessary to do so, because my last note has remained for more than a year without having received any answer; and because the Secretary of State has declared, more than once, to the British Plenipotentiary at Washington, that the explanations contained in it were entirely satisfactory.

The President may be assured that Great Britain will always respect the just claims of the United States. We make no pretension to interfere in any manner whatever, either by detention, visit or search, with vessels of the United States, known or believed to be such. But we still maintain, and will exercise when necessary, our right to ascertain the genuineness of any flag which a suspected vessel may bear. If in the exercise of this right, either from involuntary error, or in spite of every precaution, loss or injury should be sustained, a prompt reparation will be afforded; but that we should entertain for a single instant the notion of abandoning the right itself, would be quite impossible.

These observations have been rendered necessary by the late Message to Congress. The President is undoubtedly at liberty to address that Assembly in any terms which he may think proper; but if the Queen's servants should not deem it expedient to advise Her Majesty also to advert to these topics in her Speech from the Throne, they desire, nevertheless, to hold themselves perfectly free, when questioned in Parliament, to give all such explanations as they may feel to be consistent with their duty, and necessary for the elucidation of the truth.

You will read this despatch to the United States Secretary of State, and should he desire it, you will furnish him with a copy.

No. 6.

Mr. Fox to the Earl of Aberdeen.—(Received April 2.)

(Extract.) *Washington, March* 4, 1843.

THE Session of Congress closed last night.

On the 28th ultimo the President transmitted a Special Message to the House of Representatives, upon the subject of the interpretation of the 8th

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Article of the Treaty of the 9th of August, with respect to the disputed Right of Visit of American vessels.

Annexed to the President's Message are the following documents:—first, a Report from Mr. Webster, reciting the substance of a part of your Lordship's despatch to me of the 18th of January of this year, which, according to your Lordship's directions, I had read to Mr. Webster: secondly, extracts of correspondence between Mr. Everett and Mr. Webster; and thirdly, a copy of your Lordship's official note to Mr. Everett, of the 20th of December, 1841, together with his brief acknowledgment of the receipt of the same. Your Lordship's note to Mr. Everett, though long since published in the newspapers of this country, had not before been officially communicated to Congress.

I have the honour herewith to inclose a printed copy of the above Message, with the documents annexed.

Inclosure in No. 6.

No. 1.—*Message from the President of the United States, transmitting a report from the Secretary of State in answer to the resolution of the House of the 22nd of February,* 1843.

[February 28, 1843. Read, and laid upon the table.]

To the House of Representatives:

IN compliance with the resolution of the House of Representatives of the 22d instant, requesting me to communicate to the House "whatever correspondence or communication may have been received from the British Government respecting the President's construction of the late British Treaty concluded at Washington, as it concerns an alleged right to visit American vessels," I herewith transmit a report made to me by the Secretary of State.

I have also thought proper to communicate copies of Lord Aberdeen's letter of the 20th December, 1841, to Mr. Everett; Mr. Everett's letter of the 23d December in reply thereto; and extracts from several letters of Mr. Everett to the Secretary of State.

I cannot forego the expression of my regret at the apparent purport of a part of Lord Aberdeen's despatch to Mr. Fox. I had cherished the hope that all possibility of misunderstanding as to the true construction of the 8th article of the Treaty lately concluded between Great Britain and the United States was precluded by the plain and well-weighed language in which it is expressed The desire of both Governments is to put an end as speedily as possible to the slave trade; and that desire, I need scarcely add, is as strongly and as sincerely felt by the United States as it can be by Great Britain. Yet it must not be forgotten that the trade, though now universally reprobated, was, up to a late period, prosecuted by all who chose to engage in it; and there were unfortunately but very few Christian powers whose subjects were not permitted, and even encouraged to share in the profits of what was regarded as a perfectly legitimate commerce. It originated at a period long before the United States had become independent, and was carried on within our borders, in opposition to the most earnest remonstrances and expostulations of some of the colonies in which it was most actively prosecuted. Those engaged in it were as little liable to inquiry or interruption as any others. Its character, thus fixed by common consent and general practice, could only be changed by the positive assent of each and every nation, expressed either in the form of municipal law or conventional arrangement. The United States led the way in efforts to suppress it. They claimed no right to dictate to others, but they resolved, without waiting for the co-operation of other powers, to prohibit it to their own citizens, and to visit its perpetration by them with condign punishment. I may safely affirm that it never occurred to this Government that any new maritime right accrued to it from the position it had thus assumed in regard to the Slave Trade. If, before our laws for its suppression, the flag of every nation might traverse the ocean unquestioned by our cruisers, this freedom was not, in our opinion, in the least abridged by our municipal legislation.

Any other doctrine, it is plain, would subject to an arbitrary and ever-varying

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system of maritime police, adopted at will by the great naval Power for the time. being, the trade of the world in any places or in any articles which such Power might see fit to prohibit to its own subjects or citizens. A principle of this kind could scarcely be acknowledged, without subjecting commerce to the risk of constant and harassing vexations.

The attempt to justify such a pretension from the right to visit and detain ships upon reasonable suspicion of piracy, would deservedly be exposed to universal condemnation, since it would be an attempt to convert an established rule of maritime law, incorporated as a principle into the international code by the consent of all nations, into a rule and principle adopted by a single nation, and enforced only by its assumed authority. To seize and detain a ship upon suspicion of piracy, with probable cause and in good faith, affords no just ground either for complaint on the part of the nation whose flag she bears, or claim of indemnity on the part of the owner. The universal law sanctions, and the common good requires, the existence of such a rule. The right, under such circumstances, not only to visit and detain, but to search a ship, is a perfect right, and involves neither responsibility nor indemnity. But, with this single exception, no nation has, in time of peace, any authority to detain the ships of another upon the high seas, on any pretext whatever, beyond the limits of her territorial jurisdiction. And such, I am happy to find, is substantially the doctrine of Great Britain herself, in her most recent official declarations, and even in those now communicated to the House. These declarations may well lead us to doubt whether the apparent difference between the two Governments is not rather one of definition than of principle. Not only is the right of search, properly so called, disclaimed by Great Britain, but even that of mere visit and inquiry is asserted with qualifications inconsistent with the idea of a perfect right.

In the despatch of Lord Aberdeen to Mr. Everett of the 20th of December, 1841, as also in that just received by the British Minister in this country, made to Mr. Fox, his Lordship declares that if, in spite of all the precaution which shall be used to prevent such occurrences, an American ship, by reason of any visit or detention by a British cruizer, "should suffer loss and injury, it would be followed by prompt and ample remuneration;" and in order to make more manifest her intentions in this respect, Lord Aberdeen, in the despatch of the 20th of December, makes known to Mr. Everett the nature of the instructions given to the British cruisers. These are such as, if faithfully observed, would enable the British Government to approximate the standard of a fair indemnity. That Government has in several cases fulfilled her promises in this particular, by making adequate reparation for damage done to our commerce. It seems obvious to remark, that a right which is only to be exercised under such restrictions and precautions, and risk, in case of any assignable damage, to be followed by the consequences of a tresspass, can scarcely be considered anything more than a privilege asked for, and either conceded or withheld on the usual principles of international comity.

The principles laid down in Lord Aberdeen's despatches, and the assurances of indemnity therein held out, although the utmost reliance was placed on the good faith of the British Government, were not regarded by the Executive as a sufficient security against the abuses which Lord Aberdeen admitted might arise in even the most cautious and moderate exercise of their new maritime police; and therefore, in my Message at the opening of the last session, I set forth the views entertained by the Executive on this subject, and substantially affirmed both our inclination and ability to enforce our own laws, protect our flag from abuse, and acquit ourselves of all our duties and obligations on the high seas. In view of these assertions, the Treaty of Washington was negotiated, and, upon consultation with the British negotiator as to the quantum of force necessary to be employed in order to attain these objects, the result to which the most deliberate estimate led was embodied in the eighth article of the Treaty.

Such were my views at the time of negotiating that Treaty, and such, in my opinion, is its plain and fair interpretation. I regarded the eighth article as removing all possible pretext, on the ground of mere necessity, to visit and detain our ships upon the African coast because of any alleged abuse of our flag by slave traders of other nations. We had taken upon ourselves the burden of preventing any such abuse, by stipulating to furnish an armed force regarded by both the high contracting parties as sufficient to accomplish that object.

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Denying, as we did and do, all color of right to exercise any such general police over the flags of independent nations, we did not demand of Great Britain any formal renunciation of her pretension; still less had we the idea of yielding anything ourselves in that respect. We chose to make a practical settlement of the question. This we owed to what we had already done upon this subject. The honor of the country called for it; the honor of its flag demanded that it should not be used by others to cover an iniquitous traffic. This Government, I am very sure, has both the inclination and the ability to do this; and, if need be, it will not content itself with a fleet of eighty guns, but sooner than any foreign Government shall exercise the province of executing its laws and fulfilling its obligations, the highest of which is to protect its flag alike from abuse or insult, it would, I doubt not, put in requisition for that purpose its whole naval power. The purpose of this Government is faithfully to fulfil the Treaty on its part, and it will not permit itself to doubt that Great Britain will comply with it on hers. In this way, peace will best be preserved, and the most amicable relations maintained between the two Countries.

Washington, February 27, 1843. JOHN TYLER.

No. 2.—*Mr. Webster to the President of the United States.*

Department of State,
Washington, February, 1843.

THE Secretary of State, to whom has been referred a resolution of the House of Representatives of the 22d instant, requesting that the President of the United States "be requested to communicate to that House, if not in his opinion improper, whatever correspondence or communication may have been received from the British Government, respecting the President's construction of the late British Treaty, concluded at Washington, as it concerns an alleged right to visit American vessels," has the honor to report to the President that Mr. Fox, Her Britannic Majesty's envoy extraordinary and minister plenipotentiary, came to the Department of State on the 24th instant, and informed the Secretary that he had received from Lord Aberdeen, Her Majesty's Principal Secretary of State for Foreign Affairs, a despatch, under date of the 18th of January, which he was directed to read to the Secretary of State of the United States. The substance of the despatch was, that there was a statement in a paragraph of the President's message to Congress, at the opening of the present session, of serious import, because, to persons unacquainted with the facts, it would tend to convey the supposition, not only that the question of the right of search had been disavowed by the plenipotentiary at Washington, but that Great Britain had made concessions on that point.

That the President knew that the right of search never formed the subject of discussion during the late negotiation, and that neither was any concession required by the United States Government, nor made by Great Britain.

That the engagement entered into by the parties to the Treaty of Washington, for suppressing the African slave trade, was unconditionally proposed and agreed to.

That the British Government saw in it an attempt, on the part of the Government of the United States, to give a practical effect to their repeated declarations against that trade, and recognised with satisfaction an advance towards the humane and enlightened policy of all Christian states, from which they anticipated much good. That Great Britain would scrupulously fulfil the conditions of this engagement; but that from the principles which she has constantly asserted, and which are recorded in the correspondence between the Ministers of the United States in England and herself, in 1841, England has not receded and would not recede. That he had no intention to renew, at present, the discussion upon the subject. That his last note was yet unanswered. That the President might be assured that Great Britain would always respect the just claims of the United States. That the British Government made no pretension to interfere, in any manner whatever, either by detention, visit, or search, with vessels of the United States, known or believed to be such; but that it still maintained, and would exercise when necessary, its own right to ascertain the

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genuineness of any flag which a suspected vessel might bear; that if in the exercise of this right, either from involuntary error, or in spite of every precaution, loss or injury should be sustained, a prompt reparation would be afforded; but that it should entertain, for a single instant, the notion of abandoning the right itself, would be quite impossible.

That these observations had been rendered necessary by the Message to Congress. That the President is undoubtedly at liberty to address that assembly in any terms which he may think proper; but if the Queen's servants should not deem it expedient to advise Her Majesty also to advert to these topics in her speech from the throne, they desired, nevertheless, to hold themselves perfectly free, when questioned in Parliament, to give all such explanations as they might feel to be consistent with their duty, and necessary for the elucidation of the truth.

The paper having been read, and its contents understood, Mr. Fox was told, in reply, that the subject would be taken into consideration, and that a despatch relative to it would be sent, at an early day, to the American minister in London, who would have instructions to read it to Her Majesty's Principal Secretary of State for Foreign Affairs.

DANIEL WEBSTER.

No. 3.—*Mr. Everett to Mr. Webster.*

Legation of the United States,
London, December 28, 1841.

(Extract.)

I RECEIVED on the 23rd instant a note from Lord Aberdeen, on the African seizures, in reply to one addressed to him by Mr. Stevenson, in the last hours of his residence in London, and which, as it appears, did not reach Lord Aberdeen's hands till Mr. Stevenson had left London. As some time must elapse before I could give a detailed answer to this communication, I thought it best at once to acknowledge its receipt, to express my satisfaction at its dispassionate tone, and to announce the purpose of replying to it at some future period. The President, I think, will be struck with the marked change in the tone of the present Ministry, as manifested in this note and a former one addressed by Lord Aberdeen to Mr. Stevenson, contrasted with the last communication from Lord Palmerston, on the same subject. The difference is particularly apparent in Lord Aberdeen's letter to me of the 20th instant. Not only is the claim of Great Britain relative to the right of detaining suspicious vessels stated in a far less exceptionable manner than it had been done by Lord Palmerston, but Lord Aberdeen expressly declines being responsible for the language used by his predecessor.

You will observe that Lord Aberdeen disclaims, in a more distinct manner than it has ever been done, all right to search, detain, or in any manner interfere with American vessels, whether engaged in the Slave Trade or not; that he limits the pretensions of this Government to boarding vessels strongly suspected of being those of other nations unwarrantably assuming the American flag; and promises, where this right has been abused to the injury of American vessels, that full and ample reparation shall be made. As the United States have never claimed that their flag should furnish protection to any vessels but their own, and as very strict injunctions have been forwarded to the cruisers on the coast of Africa, not to interfere with American vessels, I am inclined to think that cases of interruption will become much less frequent; and, if this Government should redeem in good faith Lord Aberdeen's promise of reparation where injury has been done, I am disposed to hope that this subject of irritation will in a great measure cease to exist. I shall not engage in the discussion of the general principles as now avowed and explained by this Government, till I hear from you on the subject, and know what the President's views are; but I shall confine myself chiefly to urging the claim for redress in the cases of the *Tigris*, *Sea Mew*, *Jones*, and *William and Francis*, which were the last submitted to my predecessor, and on which no answer has been received from this Government.

Among the reasons for supposing that fewer causes of complaint will hereafter arise, is the circumstance that the seizures of last year took place under the agreement of Commodore Tucker, the British commander on the African station

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and the officer in command of the American cruiser. I find nothing on the files of the Legation showing what order, if any, has been taken by our Government on the subject of this arrangement. It is taken for granted by this Government, that this agreement is disavowed by that of the United States; and since February last, positive orders have been given to the British cruisers in the African seas not to interfere with American ships, even though known to be engaged in the Slave Trade. I shall await with much anxiety the instructions of the President on this important subject.

No. 4.—*Mr. Everett to Mr. Webster.*

Legation of the United States,
London, December 31, 1841.

(Extracts.)

AT a late hour on the evening of the 26th, I received a note from the Earl of Aberdeen, requesting an interview for the following day, when I met him at the Foreign Office, agreeably to the appointment. After one or two general remarks upon the difficulty of bringing about an adjustment of the points of controversy between the Governments, by a continuance of the discussions hitherto carried on, he said that Her Majesty's Government had determined to take a decisive step towards that end, by sending a special minister to the United States, with a full power to make a final settlement of all matters in dispute. * * * This step was determined on from a sincere and earnest desire to bring the matter so long in controversy to an amicable settlement; and if, as he did not doubt, the same disposition existed at Washington, he thought this step afforded the most favorable, and, indeed, the only means of carrying it into effect. In the choice of the individual for the mission, Lord Aberdeen added, that he had been mainly influenced by a desire to select a person who would be peculiarly acceptable in the United States, as well as eminently qualified for the trust, and that he persuaded himself he had found one who, in both respects, was all that could be wished. He then named Lord Ashburton, who had consented to undertake the mission.

Although this communication was of course wholly unexpected to me, I felt no hesitation in expressing the great satisfaction with which I received it. I assured Lord Aberdeen, that the President had nothing more at heart than an honorable adjustment of the matters in discussion between the two countries; that I was persuaded a more acceptable selection of a person for the important mission proposed could not have been made; and that I anticipated the happiest results from this overture.

Lord Aberdeen rejoined, that it was more than an *overture;* that Lord Ashburton would go with full powers to make a definitive arrangement on every point in discussion between the two countries. He was aware of the difficulty of some of them, particularly what had incorrectly been called the right of search, which he deemed the most important of all; but he was willing to confide this and all other matters in controversy to Lord Ashburton's discretion. He added, that they should have been quite willing to come to a general arrangement here, but they supposed I had not full powers for such a purpose.

This measure being determined on, Lord Aberdeen said he presumed it would be hardly worth while for us to continue the correspondence here, on matters in dispute between the Governments. He, of course, was quite willing to consider and reply to any statement I might think proper to make on any subject; but, pending the negotiations that might take place at Washington, he supposed no benefit could result from a simultaneous discussion here.

No. 5.—*Lord Aberdeen to Mr. Everett.*

Foreign Office, December 20, 1841.

THE Undersigned, Her Majesty's Principal Secretary of State for Foreign Affairs, has the honour of addressing to Mr. Everett, Envoy Extraordinary and Minister Plenipotentiary of the United States, the observations which he feels called upon to make, in answer to the note of Mr. Stevenson, dated on the 21st of October.

As that communication only reached the hands of the Undersigned on the

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day after the departure of Mr. Stevenson from London, on his return to America, and as there has since been no Minister or Chargé d'Affaires from the United States resident in this country, the Undersigned has looked with some anxiety for the arrival of Mr. Everett, in order that he might be enabled to renew his diplomatic intercourse with an accredited representative of the Republic. Had the Undersigned entertained no other purpose than to controvert the arguments of Mr. Stevenson, or to fortify his own in treating of the matter which has formed the subject of their correspondence, he would have experienced little impatience; but, as it is his desire to clear up all doubt and to remove misapprehension, he feels that he cannot too early avail himself of the presence of Mr. Everett at his post to bring to his knowledge the true state of the question at issue.

The Undersigned agrees with Mr. Stevenson in the importance of arriving at a clear understanding of the matter really in dispute. This ought to be the first object in the differences of States as well as of individuals; and, happily, it is often the first step to the reconciliation of the parties. In the present case this understanding is doubly essential, because a continuance of mistake and error may be productive of the most serious consequences.

Mr. Stevenson persists in contending that the British Government assert a right which is equivalent to the claim of searching American vessels in time of peace. In proof of this, Mr. Stevenson refers to a passage in a former note of Viscount Palmerston, addressed to himself, against which he strongly protests, and the doctrine contained in which he says that the Undersigned is understood to affirm.

Now, it is not the intention of the Undersigned to inquire into the precise import and force of the expressions of Viscount Palmerston. These might have been easily explained to Mr. Stevenson by their author, at the time they were written; but the Undersigned must request that his doctrines upon this subject, and those of the Government of which he is the organ, may be judged of exclusively from his own declarations.

The Undersigned again renounces, as he has already done in the most explicit terms, any right on the part of the British Government, to search American vessels in time of peace. The right of search, except when specially conceded by Treaty, is a purely belligerent right, and can have no existence on the high seas during peace. The Undersigned apprehends, however, that the right of search is not confined to the verification of the nationality of the vessel, but also extends to the object of the voyage and the nature of the cargo. The sole purpose of the British cruisers is to ascertain whether the vessels they meet with are really American or not. The right asserted has, in truth, no resemblance to the right of search, either in principle or in practice. It is simply a right to satisfy the party who has a legitimate interest in knowing the truth, that the vessel actually is what her colours announce. This right we concede as freely as we exercise. The British cruisers are not instructed to detain American vessels, under any circumstances whatever; on the contrary, they are ordered to abstain from all interference with them, be they slavers or otherwise. But where reasonable suspicion exists that the American flag has been abused, for the purpose of covering the vessel of another nation, it would appear scarcely credible, had it not been made manifest by the repeated protestations of their representative, that the Government of the United States, which has stigmatized and abolished the trade itself, should object to the adoption of such means as are indispensably necessary for ascertaining the truth.

The Undersigned had contended, in his former note, that the legitimate inference from the arguments of Mr. Stevenson would practically extend even to the sanction of piracy, when the persons engaged in it should think fit to shelter themselves under the flag of the United States. Mr. Stevenson observes, that this is a misapprehension on the part of the Undersigned; and he declares that, in denying the right of interfering with vessels under the American flag, he intended to limit his objection to vessels *bonâ fide* American, and not to those belonging to nations who might fraudulently have assumed the flag of the United States. But it appears to the Undersigned that his former statement is by no means satisfactorily controverted by the declaration of Mr. Stevenson. How is this *bonâ fide* to be proved? Must not Mr. Stevenson either be prepared to maintain that the flag alone is sufficient evidence of the nationality of the vessel, which, in the face of his own repeated admissions, he cannot do; or must

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he not confess that the application of his arguments would really afford protection to every lawless and piratical enterprise?

The Undersigeed had also expressed his belief, that the practice was general, of ascertaining by visit the real character of any vessel on the high seas, against which there should exist reasonable ground of suspicion. Mr. Stevenson denies this; and he asks what other nation than Great Britain had ever asserted, or attempted to exercise, such a right? In answer to this question, the Undersigned can at once refer to the avowed and constant practice of the United States, whose cruisers, especially in the Gulf of Mexico, by the admission of their public journals, are notoriously in the habit of examining all suspicious vessels, whether sailing under the English flag, or any other. In whose eyes are these vessels suspicious? Doubtless in those of the commanders of the American cruisers. But, in truth, this right is quite as important to the United States as to Great Britain; nor is it easy to conceive how the maritime intercourse of mankind could safely be carried on without such a check.

It can scarcely be necessary to remind Mr. Everett that the right thus claimed by Great Britain is not exercised for any selfish purpose. It is asserted in the interest of humanity, and in mitigation of the sufferings of our fellow-men. The object has met with the concurrence of the whole civilised world, including the United States of America; and it ought to receive universal assistance and support.

The Undersigned cannot abstain here from referring to the conduct of an honourable and zealous officer, commanding the naval force of the United States on the coast of Africa, who, relying on the sincere desire of his Government for the suppression of the Slave Trade, and sensible of the abuse of the American flag, entered into an engagement, on the 11th of March, 1840, with the officer in command of Her Majesty's cruisers on the same station, by which they mutually requested each other, and agreed to detain all vessels under American colours employed in the traffic. If found to be American property, such vessels were to be delivered over to the commander of any American cruiser on the station; or, if belonging to other nations, they were to be dealt with according to the treaties contracted by Her Majesty with the respective States. The Undersigned believes, and, indeed, after the statements of Mr. Stevenson, he regrets to be unable to doubt, that the conduct of this gallant officer, however natural and laudable in its object, has been disavowed by his Government.

It is not the intention of the Undersigned, at present, to advocate the justice and propriety of the mutual right of search, as conceded and regulated by treaty, or to weigh the reasons on account of which this proposal has been rejected by the Government of the United States. He took occasion, in a former note, to observe that concessions sanctioned by Great Britain and France were not likely to be incompatible with the dignity and independence of any other State which should be disposed to follow their example. But the Undersigned begs now to inform Mr. Everett, that he has this day concluded a joint treaty with France, Austria, Russia, and Prussia, by which the mutual right of search, within certain latitudes, is fully and effectually established for ever. This is, in truth, a holy alliance, in which the Undersigned would have rejoiced to see the United States assume their proper place among the great Powers of Christendom—foremost in power, wealth, and civilization, and connected together in the cause of mercy and justice.

It is undoubtedly true, that this right may be abused, like every other which is delegated to many and different hands. It is possible that it may be exercised wantonly and vexatiously; and, should this be the case, it would not only call for remonstrance, but would justify resentment. This, however, is in the highest degree improbable; and if, in spite of the utmost caution, an error should be committed, and any American vessel should suffer loss and injury, it would be followed by prompt and ample reparation. The Undersigned begs to repeat, that with American vessels, whatever be their destination, British cruisers have no pretension, in any manner, to interfere. Such vessels must be permitted, if engaged in it, to enjoy a monopoly of this unhallowed trade; but the British Government will never endure that the fraudulent use of the American flag shall extend the iniquity to other nations by whom it is abhorred, and who have entered into solemn treaties with this country for its entire suppression.

In order to prove to Mr. Everett the anxiety of Her Majesty's Government to prevent all reasonable grounds of complaint, the Undersigned believes that he

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cannot do better than to communicate to him the substance of those instructions under which the British cruisers act, in relation to American vessels, when employed on this service.

If, from the intelligence which the officer commanding Her Majesty's cruiser may have received, or from the manœuvres of the vessel, or from other sufficient cause, he shall have reason to believe that, although bearing the American flag, the vessel does not belong to the United States, he is ordered, if the state of the wind and weather shall admit of it, to go a-head of the suspected vessel, after communicating his intention by hailing, and to drop a boat on board of her, to ascertain her nationality, without detaining her, if she shall prove to be really an American vessel. But, should this mode of visiting the vessel be impracticable, he is to require her to be brought to, for this purpose. The officer who boards the vessel is merely to satisfy himself of her nationality, by her papers or other proofs; and should she really be an American vessel, he will immediately quit her, offering, with the consent of her commander, to note on her papers the cause of suspecting her nationality, and the number of minutes she was detained (if detained at all) for the object in question. All the particulars are to be immediately entered on the log-books of the cruiser, and a full statement of them is to be sent, by the first opportunity, direct to England.

These are the precautions taken by Her Majesty's Government against the occurrence of abuse in the performance of this service; and they are ready to adopt any others which they may think more effectual for the purpose, and which shall, at the same time, be consistent with the attainment of the main object in view.

Mr. Stevenson has said that he had no wish to exempt the fraudulent use of the American flag from detection; and this being the case, the Undersigned is unwilling to believe that a Government like that of the United States, professing the same object and animated by the same motives as Great Britain, should seriously oppose themselves to every possible mode by which their own desire could be really accomplished.

The Undersigned avails himself of this occasion to convey to Mr. Everett the assurances of his distinguished consideration.

ABERDEEN.

No. 6.—*Mr. Everett to Lord Aberdeen.*

Legation of the United States,
December 23, 1841.

THE Undersigned, Envoy Extraordinary and Minister Plenipotentiary of the United States of America, has the honor to acknowledge the reception of a communication from Lord Aberdeen, Her Majesty's Principal Secretary of State for Foreign Affairs, bearing date the 20th instant, in reply to a note of Mr. Stevenson's of the 21st October.

The Undersigned will avail himself of an early opportunity of addressing some remarks to the Earl of Aberdeen on the very important topics treated in his note. In the mean time, the Undersigned begs leave to express his great satisfaction at the conciliatory and dispassionate tone of Lord Aberdeen's communication; from which the Undersigned augurs the happiest influence on the renewed discussion of the subject.

The Undersigned begs leave to renew to Lord Aberdeen the assurance of his distinguished consideration.

EDWARD EVERETT.

No. 7.—*Mr. Webster to Mr. Everett.*

Department of State,
(Extract.) *Washington, January* 29, 1842.

BY the *Britannia*, arrrived at Boston, I have received your despatch of the 28th December, (No. 4,) and your other despatch of the 31st of the same month, (No. 5,) with a postscript of the 3rd of January.

The necessity of returning an early answer to these communications (as the

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Britannia is expected to leave Boston the 1st of February) obliges me to postpone a reply to those parts of them which are not of considerable and immediate importance.

The President expresses himself gratified with the manner in which the Queen received you, to present your letter of credence, and with the civility and respect which appear to characterize the deportment of Lord Aberdeen in his intercourse with you; and you will please signify to Lord Aberdeen the President's sincere disposition to bring all matters in discussion between the two Governments to a speedy as well as an amicable adjustment.

The President has read Lord Aberdeen's note to you of the 20th of December, in reply to Mr. Stevenson's note to Lord Palmerston of the 21st of October, and thinks you were quite right in acknowledging the dispassionate tone of that paper. It is only by the exercise of calm reason that truth can be arrived at in questions of a complicated nature; and between States, each of which understands and respects the intelligence and the power of the other, there ought to be no unwillingness to follow its guidance. At the present day, no State is so high as that the principles of its intercourse with other nations are above question or its conduct above scrutiny. On the contrary, the whole civilized world, now vastly better informed on such subjects than in former ages, and alive and sensible to the principles adopted, and the purposes avowed by the leading States, necessarily constitutes a tribunal, august in character and formidable in its decisions. And it is before this tribunal, and upon the rules of natural justice, moral propriety, the usages of modern times, and the prescriptions of public law, that Governments which respect themselves, and respect their neighbours must be prepared to discuss, with candour, and with dignity, any topics which may have caused differences to spring up between them.

Your despatch of the 31st December announces the important intelligence of a Special Minister from England to the United States, with full powers to settle every matter in dispute between the two Governments; and the President directs me to say, that he regards this proceeding as originating in an entirely amicable spirit, and that it will be met on his part with perfectly corresponding sentiments. The high character of Lord Ashburton is well known to this Government; and it is not doubted that he will enter on the duties assigned him, not only with the advantages of much knowledge and experience in public affairs, but with a true desire to signalize his mission by assisting to place the peace of the two countries on a permanent basis. He will be received with the respect due to his own character, the character of the Government which sends him, and the high importance to both countries of the subjects intrusted to his negotiation.

The President approves your conduct, in not pursuing, in England, the discussion of questions which are now to become the subjects of negotiation here.

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PAPERS

RELATIVE TO THE

SPECIAL MISSION OF LORD ASHBURTON

TO THE

UNITED STATES OF AMERICA

IN

1842.

Presented to both Houses of Parliament, by Command of Her Majesty, 1843.

LONDON:
PRINTED BY T. R. HARRISON.

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CORRESPONDENCE

BETWEEN

LORD ASHBURTON AND MR. WEBSTER,

RESPECTING

BOUNDARIES.

No. 1.

Lord Ashburton to Mr. Webster.

Sir, *Washington, June* 13, 1842.

ON considering the most effectual mode of proceeding to arrive at an amicable and satisfactory termination of the long-continued controversy respecting the North-Eastern Boundary, between the British Colony of New Brunswick and the State of Maine, I believe that I may confidently conclude from what passed in the preliminary conferences, which I have had the honour of holding with you, that we concur in the opinion that no advantage would be gained by reverting to the interminable discussion on the general grounds on which each party considers their claims respectively to rest. In the course of the many years that this discussion has lasted every argument on either side is apparently exhausted, and that without any approach to an agreement. The present attempt, therefore, of a settlement must rest for its success, not on the renewal of a controversy, but on proceeding on the presumption that all means of reciprocal conviction having failed, as also the experiment of calling in the aid of a friendly arbiter and umpire, there remains only the alternative of a compromise for the solution of this otherwise apparently insurmountable difficulty, unless, indeed, it were determined to try a second arbitration attended with its delay, trouble, and expense, in defiance of past experience as to the probability of any more satisfactory result.

It is, undoubtedly, true that should our present attempt unfortunately fail, there might remain no other alternative but a second reference, yet, when I consider all the difficulty and uncertainty attending it, I trust that all parties interested will come to the conclusion that the very intricate details connected with the case must be better known and judged by our two Governments than any diligence can make them to be by any third party, and that a sincere candid disposition to give reciprocally fair weight to the arguments on either side is likely to lead us to a more satisfactory settlement, than an engagement to abide by the uncertain award of a less competent tribunal. The very friendly and cordial reception given by you, Sir, as well as by all the authorities of your Government to the assurance that my mission here by my Sovereign has been determined by an unfeigned desire to settle this and all other questions of difference between us, on principles of conciliation and justice, forbid me to anticipate the possibility of the failure of our endeavours applied with sincerity to this purpose.

With this view of the case, therefore, although not unprepared to enter into the general argument, I abstain from so doing from the conviction that an amicable settlement of this vexed question, so generally desired, will be thereby best promoted. But, at the same time, some

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opinions have been industriously emitted throughout this controversy, and, in some instances, by persons in authority, of a description so much calculated to mislead the public mind that I think it may be of service to offer a few observations.

I do not of course complain of the earnest adherence of partisans on either side to the general arguments upon which their case is supposed to rest; but a position has been taken, and facts have been repeatedly stated, which I am sure the authorities of the Federal Government will be abundantly able to contradict, but which have evidently given rise to much public misapprehension. It is maintained that the whole of this controversy about the Boundary began in 1814; that up to that period the line as claimed by Maine was undisputed by Great Britain; and that the claim was avowedly founded on motives of interest to obtain the means of conveniently connecting the British Provinces. I confine these remarks to the refuting this imputation, and I should indeed not have entered upon controversy, even on this, if it did not appear to me to involve, in some degree, a question of national sincerity and good faith.

The assertion is founded on the discussions which preceded the Treaty of Peace signed at Ghent, in 1814. It is perfectly true that a proposal was submitted by the British Plenipotentiaries for the revision of the Boundary Line on the north-eastern frontier, and that it was founded on the position that it was desired to secure the communication between the provinces, the precise delimitation of which was at that time imperfectly known. The American Plenipotentiaries in their first communication from Ghent to the Secretary of State, admit that the British Ministers expressly disclaimed any intention of acquiring an increase of territory, and that they proposed the revision for the purpose of preventing uncertainty and dispute—a purpose sufficiently justified by subsequent events. Again, in their note of the 4th of September, 1814, the British Ministers remind those from America, that the boundary had never been ascertained, and that the line claimed by America, which interrupted the communication between Halifax and Quebec, never could have been in the contemplation of the parties to the Treaty of Peace of 1783. The same view of the case will be found to pervade all the communications between the plenipotentiaries of the two countries at Ghent. There was no attempt to press any cession of territory on the ground of policy or expedience, but, although the precise geography of the country was then imperfectly known, it was notorious at the time that different opinions existed as to the boundary likely to result from continuing the North Line from the head of the River St. Croix. This appears to have been so clearly known and admitted by the American Plenipotentiaries, that they, in submitting to the conference the project of a treaty, offer a preamble to their 4th Article in these words:—

"Whereas, neither that part of the highlands lying due north from the source of the River St. Croix, and designated in the former Treaty of Peace between the two Powers, as the north-west angle of Nova Scotia, nor the north-westernmost head of the Connecticut River has yet been ascertained, &c."

It should here be observed that these are the words proposed, not by the British but by the American negotiators, and that they were finally adopted by both in the 5th Article of the Treaty.

To close my observations upon what passed on this subject at Ghent I would draw your attention to the letter of Mr. Gallatin, one of the American Plenipotentiaries, to Mr. Secretary Monroe, of the 25th December, 1814. He offers the following conjecture as to what might probably be the arguments of Great Britain, against the line set up by America: "They hope that the river which empties into the Bay des Chaleurs, in the Gulf of St. Lawrence, has its source so far west as to intervene between the head waters of the River St. Johns, and those of the streams emptying into the River St. Lawrence; so that the line north from the source of the River St. Croix will first strike the heights of land which divide the waters emptying into the Atlantic Ocean (River St. Johns), from those emptying into the Gulf of St. Lawrence (River des Chaleurs), and afterwards the heights of land which divide the waters emptying into the Gulf of St.

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Lawrence (River des Chaleurs), from those emptying into the River St. Lawrence; but that the said line never can, in the words of the Treaty, strike any spot of land actually dividing the waters emptying into the Atlantic Ocean, from those which fall into the River St. Lawrence."

So obvious an argument in opposition to the line claimed by America could not escape the known sagacity of Mr. Gallatin. I state it not for the purpose of discussing its merit, but to show that at Ghent not only the fact was well known that this Boundary Question was a matter in dispute, but that the arguments respecting it had then been weighed by the gentleman so eminent in its subsequent discussion. Indeed, the fact that the American Ministers made this disputed question a matter for reference by a Treaty, afterwards ratified by the President and Senate, must to every candid mind be sufficient proof that it was generally considered to be involved in sufficient doubt to entitle it to such a mode of solution. It cannot possibly be supposed that the President and Senate would have admitted by treaty doubts respecting this boundary, if they had been heard of for the first time through the pretensions of the British Plenipotentiaries at Ghent.

If the argument or assertions, which I am now noticing, and to which I studiously confine myself, had not come from authority, I should owe some apology for these observations. The history of this unfortunate controversy is too well known to you, Sir, and stands but too voluminously recorded in your department, to make them necessary for your own information.

The repeated discussions between the two countries, and the repeated projects for settlement, which have occupied every successive Administration of the United States, sufficiently prove how unfounded is the assertion that doubts and difficulties respecting this boundary had their first origin in the year 1814. It is true that down to that time, and, indeed, to a later period, the local features of the country were little known, and the different arguments had, in consequence, not assumed any definite form; but sufficient was known to both parties to satisfy them of the impossibility of tracing strictly the boundary prescribed by the Treaty of Peace of 1783.

I would refer in proof of this simply to American authorities, and those of the very first order.

In the year 1802, Mr. Madison, at that time Secretary of State for the United States, in his instructions to Mr. Rufus King, observed that the difficulty in fixing the north-west angle of Nova Scotia "arises from a reference in the Treaty of 1783 to highlands, which it is now found have no definite existence;" and he suggests the appointment of a commission to be jointly appointed "to determine on a point most proper to be substituted for the description in Article II. of the Treaty of 1783."

Again, Mr. Jefferson, in a message to Congress, on the 17th October, 1803, stated that "a further knowledge of the ground in the north-eastern and north-western angles of the United States has evinced that the boundaries established by the Treaty of Paris, between the British territories and ours, in those points, were too imperfectly described to be susceptible of execution."

These opinions of two most distinguished American statesmen gave rise to a convention of boundary made in London by Mr. Rufus King and Lord Hawkesbury, which, from other circumstances which it is not necessary to refer to, was not ratified by the Senate.

I might further refer you on this subject to the report of Judge Sullivan, who acted as Commissioner of the United States, for settling the controversy with Great Britain respecting the true River St. Croix, who says, "The boundary between Nova Scotia and Canada was described by the King's proclamation in the same mode of expression as that used in the Treaty of Peace. Commissioners who were appointed to settle that line have traversed the country in vain to find the highlands, designated as a boundary."

With these known facts how can it possibly be maintained that doubts about the boundary arose for the first time in the year 1814?

I need not pursue this subject further. Indeed, it would have been

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useless to treat of it at all with any person having before him the records of the diplomatic history of the two countries for the last half a century. My object in adverting to it is to correct an error, arising, I am ready to believe, not from any intention to misrepresent, but from want of information, and which seemed to be sufficiently circulated to make some refutation useful towards promoting the desired friendly and equitable settlement of this question.

We believe the position maintained by us on the subject of this boundary to be founded in justice and equity; and we deny that we have been determined in our pretensions by policy and expedience. I might, perhaps, fairly admit that those last-mentioned considerations have prompted, in some measure, our perseverence in maintaining them. The territory in controversy is, for that portion of it at least which is likely to come to Great Britain by any amicable settlement, as worthless for any purposes of habitation or cultivation as probably any tract of equal size on the habitable globe; and if it were not for the obvious circumstance of its connecting the British North American Provinces, I believe I might venture to say that, whatever might have been the merit of our case, we should long since have given up the controversy and willingly have made the sacrifice to the wishes of a country with which it is so much our interest, as it is our desire, to maintain the most perfect harmony and good will.

I trust that this sentiment must be manifest in my unreserved communication with you on this and all other subjects connected with my mission. If I have failed in this respect, I shall have ill obeyed the instructions of my Government, and the earnest dictates of my personal inclinations.

Permit me, &c., (Signed) ASHBURTON.

No. 2.

Mr. Webster to Lord Ashburton.

Department of State,
Washington, June 17, 1842.

LORD ASHBURTON having been charged by the Queen's Government with full powers to negotiate and settle all matters in discussion between the United States and England, and having on his arrival at Washington announced that in relation to the question of the North-eastern Boundary of the United States, he was authorized to treat for a conventional line, or line by agreement, on such terms and conditions and with such mutual considerations and equivalents as might be thought just and equitable, and that he was ready to enter upon a negotiation for such conventional line so soon as this Government should say that it was authorized and ready on its part to commence such negotiation, the Undersigned, Secretary of State of the United States, has now the honour to acquaint his Lordship, by direction of the President, that the Undersigned is ready, on behalf of the Government of the United States, and duly authorized to proceed to the consideration of such conventional line, or line by agreement, and will be happy to have an interview on that subject, at his Lordship's convenience.

The Undersigned &c.,

(Signed) DANIEL WEBSTER.

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No. 3.

Lord Ashburton to Mr. Webster.

Washington, June 17, 1842.

THE Undersigned, Plenipotentiary of Her Britannic Majesty on an extraordinary and special mission to the United States of America, has the honour of acknowledging, with much satisfaction, the communication received this day from Mr. Webster, Secretary of State of the United States, that he is ready, on behalf of the United States, and duly authorized, in relation to the question of the North-eastern Boundary of the United States, to proceed to the consideration of a conventional line, or line by agreement, on such terms and conditions, and with such mutual considerations and equivalents, as might be thought just and equitable. And in reply to Mr. Webster's invitation to the Undersigned to fix some time for their first conference upon this subject, he begs to propose to call on Mr. Webster at the Department of State to-morrow at 12 o'clock for this purpose, should that time be perfectly convenient to Mr. Webster.

The Undersigned, &c.,

(Signed) ASHBURTON.

No. 4.

Mr. Webster to Lord Ashburton.

Department of State,
Washington, June 17, 1842.

THE Secretary of State will have great pleasure in seeing Lord Ashburton at twelve o'clock to-morrow, as proposed by him.

No. 5.

Lord Ashburton to Mr. Webster.

Sir, *Washington, June* 21, 1842.

THE letter you did me the honour of addressing me on the 17th instant, informed me that you were now prepared and authorized to enter with me into the discussion of that portion of the differences between our two countries, which relates to the North-Eastern Boundary, and we had the following day our first formal conference for that purpose, with a view to consider, in the first instance, the best mode of proceeding to arrive at what is so much desired by all parties, an amicable, and, at the same time, equitable settlement of a controversy, which, with the best intentions, the authorities of the two countries for nearly half a century have in vain endeavoured to effect.

The result of this conference has been, that I have been invited by you to state generally my view of this case, and of the expectations of my Government; and although I am aware that, in the ordinary practice of diplomatic intercourse I should expose myself to some disadvantage by so doing, I nevertheless do not hesitate to comply, premising only that the following observations are to be considered merely as memoranda for discussion, and not as formal propositions to have any binding effect, should our negotiation have the unfortunate fate of the many which have preceded it, of ending in disappointment.

I believe you are sufficiently aware of the circumstances which induced me personally to undertake this mission. If the part which during a long life I have taken in public affairs is marked by any particular character, it has been by an earnest persevering desire to maintain peace and to

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promote harmony between our two countries. My exertions were unavailingly employed to prevent the last unfortunate war, and have since been unremitting in watching any passing clouds which might at any time forebode its renewal. On the accession to power of the present Ministers in England, perceiving the same wise and honourable spirit to prevail with them, I could not resist the temptation and the hope of being of some service to my country and to our common race, at a time of life when no other cause could have had sufficient interest to draw me from a retirement better suited to my age and to my inclinations.

I trust, Sir, that you will have perceived in the course of my hitherto informal communications with you, that I approach my duties generally without any of those devices and manœuvres which are supposed, I believe ignorantly, to be the useful tools of ordinary diplomacy. With a person of your penetration they would avail as little as they would with the intelligent public of the two great enlightened countries of whose interests we are treating. I know no other mode of acting than open plain dealing, and I therefore disregard willingly all the disadvantage of complying with the invitation given me to be the first to speak on this question of the Eastern Boundary. It is already agreed that we abstain from a continued discussion of the arguments by which the lines of the two countries are reciprocally maintained, and I have so well observed this rule that I have not even communicated to you a volume of additional controversial matter which I brought with me, and much of which would, if controversy were our object, be of no inconsiderable weight and importance. It would be in the event only of the failure of this negotiation, which I will not anticipate, that we should be again driven into the labyrinth from which it is our purpose to escape, and that failing to interpret strictly the words of the Treaty, we should be obliged to search again into contemporaneous occurrences and opinions for principles of construction which might shed light on the actual intentions of the parties.

Our success must, on the contrary, depend on the reciprocal admission or presumption that the Royal Arbiter was so far right, when he came to the conclusion, which others had come to before him, that the Treaty of 1783 was not executable according to its strict expression, and that the case was therefore one for agreement by compromise. The only point upon which I thought it my duty to enter upon anything like controversy is that referred to in my letter of the 13th instant, and I did so to rescue my Government and myself from an imputation of unworthy motives, and the charge that they set up a claim which they knew to be unfounded from mere considerations of policy or convenience. The assertions of persons in my position on subjects connected with their diplomatic duties are naturally received by the world with some caution, but I trust you will believe me when I assure you that I should not be the person to come here on any such errand. I do not pretend, nor have I ever thought the claim of Great Britain, with respect to this Boundary, any more than the claim of America, to be unattended with difficulties. Those claims have been considered by impartial men of high authority and unquestioned ability to be equally so attended; and, therefore, it is that this is a question for a compromise, and it is this compromise which it has become our duty to endeavour to accomplish. I will only here add the most solemn assurance, which I would not lightly make, that after a long and careful consideration of all the arguments and inferences, direct and circumstantial, bearing on the whole of this truly difficult question, it is my settled conviction that it was the intentions of the parties to the Treaty of Peace of 1783, however imperfectly those intentions may have been executed, to leave to Great Britain, by their description of boundaries, the whole of the waters of the River St. John.

The length of these preliminary observations, requires, perhaps, some apology, but I now proceed to comply with your application to me to state the principles and conditions on which it appears to me that this compromise, which it is agreed we should attempt, should be founded.

A new boundary is, in fact, to be traced between the State of Maine

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and the Province of New Brunswick. In doing this, reference must be had to the extent and value of the Territory in dispute, but, as a general principle, we cannot do better than keep in mind the intention of the framers of the first Treaty of Peace in 1783, as expressed in the preamble to the provisional Articles in the following words:—"Whereas reciprocal advantages and mutual convenience are found by experience to form the only permanent foundation of peace and friendship between States," &c.

I have on a former occasion explained the reasons which have induced the British Government to maintain their rights in this controversy beyond any apparent value in the object in dispute, to be the establishing a good boundary between our two countries, so as to prevent collision and dispute, and an unobstructed communication and connexion of our colonies with each other. Further, it is desired to retain under the jurisdiction of each Government respectively such inhabitants as have been for a length of time so living, and to whom a transfer of allegiance might be painful or distressing.

These are shortly the objects we have in view, and which we must now see to reconcile to a practical division of the Territory in dispute. Great Britain has no wish of aggrandizement for any general purpose of increased dominion, as you must be satisfied by the liberality with which I have professed myself ready to treat questions of boundaries in other quarters, where no considerations of particular convenience or fitness occur. I might further prove this by calling your attention to the fact, that of the land likely to come to us by any practical settlement, nine tenth parts of it are, from its position and quality, wholly worthless. It can support no population, it grows even little timber of value, and can be of no service but as a boundary, though from its desert nature an useful boundary, for two distinct Governments.

In considering on the map a division of the territory in question, this remarkable circumstance must be kept in mind, that a division of acres by their number would be a very unequal division of their value. The southern portion of this territory, the valley of the Aroostook, is represented to be one of the most beautiful and most fertile tracts of land in this part of the continent, capable of the highest state of cultivation and covered with fine timber, while the northern portion, with the exception of that small part comprised within the Madawaska settlement, is of the miserable description I have stated. It would be no exaggeration to say that one acre on the Aroostook would be of much more value than ten acres north of the St. John. There would be, therefore, no equality in making a division of acre for acre.

But although I remind you of this circumstance, I do not call on you to act on it. On the contrary, I am willing that you should have the advantage in this settlement, both in the quantity and the quality of this land; all I wish, is to call this fact in proof of my assertion that the object of Great Britain was simply to claim that which was essential to her, and would form a convenient boundary, and to leave all the more material advantages of this bargain to the State of Maine.

I now come to the more immediate application of these principles to a definite line of boundary, and looking at the map with reference to the sole object of Great Britain as already described, the line of the St. John from where the north line from the St. Croix strikes it, up to some one of its sources, seems evidently to suit both parties, with the exception which I shall presently mention. This line throws the waste and barren tract to Great Britain and the rich and valuable lands to Maine, but it makes a good boundary, one which avoids collision and probable dispute, and, for the reasons stated, we should be satisfied with it if it were not for the peculiar circumstance of a settlement formed on both sides of the St. John, from the mouth of the Madawaska up to that of the Fish River.

The history and circumstances of this settlement are well known to you. It was originally formed from the French establishments in Acadie, and has been uninterruptedly under French or British dominion, and never under any other laws. The inhabitants have professed great apprehensions of being surrendered by Great Britain, and have lately sent an earnest petition to the Queen deprecating that being done.

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Further, this settlement forms one united community, all connected together and living some on one and some on the other side of the river, which forms a sort of high road between them. It seems self-evident that no more inconvenient line of boundary could well be drawn than one which divides in two an existing municipality; inconvenient as well to the inhabitants themselves as to the authorities under which they are to live. There would be evident hardship, I might say cruelty, in separating this now happy and contented village, to say nothing of the bickerings and probable collisions likely to arise from taking in this spot the precise line of the river which would, under other circumstances, satisfy us. Indeed, I should consider that such a separation of these industrious settlers, by placing them under separate laws and Governments, a most harsh proceeding, and that we should thereby abandon the great object we should have in view of the happiness and convenience of the people, and the fixing a boundary the least likely to occasion future strife. I dwell on this circumstance at some length, in justification of the necessity I am under of departing to this inconsiderable extent from the marked line of the River St. John. What line should be taken to cover this difficulty I shall have to consider with you, but I cannot in any case abandon the obvious interests of these people. It will be seen by an inspection of the map that it is not possible to meet this difficulty by making over to Maine the northern portion of this settlement, as that would be giving up by Great Britain the immediately adjoining communication with Canada, which it is her principal object to preserve.

These observations dispose of those parts of this question which immediately concern the State of Maine, but it may be well at the same time to state my views respecting the adjoining boundary of the States of New Hampshire, Vermont, and New York, because they made part of the reference to the King of the Netherlands, and were, indeed, the only part of the subject in dispute upon which a distinct decision was given. The question here at issue between the two countries was as to the correct determination of the parallel of latitude and the true source of the Connecticut River. Upon both these points decisions were pronounced in favour of Great Britain, and I might add, that the case of America, as matter of right, was but feebly and doubtingly supported by her own authorities. I am nevertheless disposed to surrender the whole of this case, if we should succeed in settling, as proposed, the boundary of Maine. There is a point or two in this line of boundary where I may have to consider with you, with the assistance of the surveyors acquainted with the localities, the convenience of the resident settlers; as also what line may best suit the immediate country at the head of Connecticut River, but substantially the Government of America shall be satisfied, and this point be yielded to them.

This concession, considered with reference to the value of the land ceded, which is generally reported to be fertile, and contains a position at Rouse's Point much coveted in the course of the controversy, would, under ordinary circumstances, be considered of considerable importance. The concession will, however, be made by Great Britain without reluctance, not only to mark the liberal and conciliatory spirit by which it is desired to distinguish these negotiations, but because the case is in some respects analogous to that of the Madawaska settlement before considered. It is believed that the settlers on the narrow strip which would be transferred to Great Britain by rectifying the 45th parallel of latitude, which was formerly incorrectly laid down, are principally from the United States, and that their opinions and habits incline them to give a preference to that form of Government under which, before the discovery of the error in question, they supposed themselves to be living. It cannot be desired by Her Majesty to acquire any addition of territory under such circumstances, whatever may be the weight of her rights; but it will be observed that the same argument applies almost exactly to the Madawaska settlement, and justifies the reservation I am there obliged to make. In these days the convenience and happiness of the people to be governed will ever be the chief guide in transactions of this description between such Governments as those of Great Britain and the United States.

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Before quitting this subject I would observe, that it is rumoured that Major Graham, in his late survey in Maine, reports some deviation from the true north of the line from the head of the St. Croix towards the St. John. I would here propose also to abide by the old line long established, and from which the deviation by Major Graham is, I am told, inconsiderable, without at all doubting the accuracy and good faith of that very distinguished officer.

In stating the important concessions I am prepared to make, on a final settlement of these boundaries, I am sensible, that concessions to one state of this Union are not always to be made available for the satisfaction of any other; but you are aware that I am treating with the United States, and that for a long line of important boundaries, and that I could not presume to enter on the question, how this settlement might operate on, or be in any way compensated to, the different States of the confederacy. I should, however, add my unfeigned belief, that what I have proposed will appear reasonable with reference to the interests of the State of Maine, considered singly; that the proposition, taken as a whole, will be satisfactory to the country at large I can entertain no doubt.

I abstain from noticing here the boundaries further west which I am prepared to consider and to settle, because they seem to form part of a case which it will be more convenient to treat separately.

In the course of these discussions much anxiety has been expressed, that Maine should be assured of some means of communication by the St. John, more especially for the conveyance of her lumber. This subject I am very willing to consider, being sensible of the great importance of it to that State, and that the friendly and peaceful relations between neighbouring countries cannot be better secured than by reciprocally providing for all their wants and interests. Lumber must, for many years, be the principal produce of the extensive valley of the Aroostook, and of the southern borders of the St. John; and it is evident, that this article of trade being worth anything must mainly depend upon its having access to the sea through that river. It is further evident, that there can be no such access under any arrangement, otherwise than by the consent of the Province of New Brunswick. It is my wish to seek an early opportunity of considering with some person well acquainted with the commerce of that country, what can be done to give it the greatest possible freedom and extent, without trenching too much on the fiscal regulations of the two countries.

But in the meantime, in order to meet at once the urgent wants and wishes of Maine in this respect, I would engage that, on the final settlement of these differences, all lumber and produce of the forest of the tributary waters of the St. John, shall be received freely without duty, and dealt with in every respect, like the same articles of New Brunswick. I cannot now say, positively, whether I may be able to go further, but this seems to me what is principally required. Suggestions have at times been thrown out of making the Port and River of St. John free to the two countries, but I think you will be sensible that this could not be done without some reciprocity for the trade of St. John's in ports of the United States, and that in endeavouring to regulate this we should be embarking in an intricate question, much and often discussed between the two countries. It cannot also fail to occur to you, that joint rights in the same harbours and waters must be a fruitful source of dissension, and that it behoves us to be careful not to sow the seeds of future differences in the settlements of those of our own day.

I have now stated, as I was desired to do, my views of the terms upon which it appears to me that this settlement may be made. It must be sufficiently evident, that I have not treated the subject in the ordinary form of a bargain, where the party making the proposal leaves himself something to give up. The case would not admit of this, even if I could bring myself so to act. It would have been useless for me to ask what I know could not be yielded; and I can unfeignedly say that, even if your vigilance did not forbid me to expect to gain any undue advantage over you, I should have no wish to do so. The Treaty we have to make will be subjected to the scrutiny of a jealous and criticising public; and it

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would ill answer its main purpose of producing and perpetuating future harmony and good will, if its provisions were not considered by good and reasonable men to make a just and equitable settlement of this long-continued controversy.

Permit me, Sir, &c.,

(Signed) ASHBURTON.

No. 6.

Mr. Webster to Lord Ashburton.

Department of State,
Washington, July 8, 1842.

My Lord,

YOUR notes of the 13th and the 21st of June were duly received.

In the first of these, you correctly say, that in our conferences on the Boundary Question, we have both been of opinion, that no advantage would be gained, by resorting at this time, to the discussion at length of the grounds on which each party considers its claim of right to rest. At the same time you deem it expedient, nevertheless, to offer some observations calculated, in your judgment, to repel a supposed allegation or suggestion, that this controversy began only in 1814; that, up to that period, the American claim was undisputed; and that the English claim, as now set forth, is founded merely on motives of interests. Nothing is more natural, than that your Lordship should desire to repel an imputation which would impeach the sincerity and good faith of your Government, and all the weight which justice and candour require is given to your Lordship's observations in this respect. It is not my purpose, nor do I conceive it pertinent to the occasion, to go into any consideration of the facts and reasonings presented by you, to show the good faith and sincerity of England in the claim asserted by her. Any such discussion would be a departure from the question of right now subsisting between the two Governments, and would be, more especially, unfit for an occasion, in which the parties are approaching each other in a friendly spirit, with the hope of terminating the controversy by agreement. Following your Lordship's example, however, I must be permitted to say, that few questions have ever arisen under this Government, in regard to which a stronger or more general conviction was felt, that the country was in the right, than this question of the North-Eastern Boundary. To say nothing of the sentiments of the Governments and people of the States more directly interested, whose opinions may be supposed capable of bias, both houses of Congress, after full and repeated consideration, have affirmed the validity of the American claim, by a unanimity experienced on very few other subjects; and the general judgment of the whole people seems to be the same way. Abstaining from all historical facts, all contemporaneous expositions, and all external arguments and circumstances, I will venture to present to your Lordship a very condensed view of the reasons which produce, in this country, the conviction, that a boundary line may be ascertained, run, and delineated with precision, under, and according to the words of the stipulations in the Treaty of 1783; that no doubt can be raised by any part of that stipulation which other parts of it do not remove or explain; and that a line, so run, would include all that the United States claim. This view is presented by a series of short propositions.

1. The north-west angle of Nova Scotia is the thing to be sought for and found.

2. That angle is to be ascertained by running a line due north from the source of the St. Croix River, till that line reaches the highlands; and when such north line intersects the highlands there is the angle; and thence the line is to run along the said highlands, which said highlands divide those rivers which empty themselves into the River St. Lawrence, from those that fall into the Atlantic Ocean. The angle required,

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therefore, is an angle made by the intersection of a due north line with highlands, from one slope of which the rivers empty themselves into the River St. Lawrence and from the other into the Atlantic Ocean.

3. Supposing it to be matter of doubt, whether the St. John and the Restigouche are rivers falling into the Atlantic Ocean, in the sense of the Treaty, then the rule of just interpretation is, that if one element or one part in the description be uncertain, it is to be explained by others which are certain, if there be such others. Now there is no doubt as to the rivers which fall into the St. Lawrence; they are certain, and to their sources the north line is to run, since, at their sources, the highlands required by the Treaty, do certainly exist; and departing for a moment from the rule just prescribed to myself, I will remind your Lordship, that the joint commissioners and the agents of the two Governments in 1817, in giving the surveyors instructions for finding these highlands, directed them, in terms, to proceed upon a due north line, "until they should arrive at some one of the streams connected with the River St. Lawrence," and then to explore the highlands from that point to the north-westernmost head of Connecticut River. It is indisputable that a line run according to these instructions thus given by the commissioners and agents of both Governments, would give to the United States all that they have at any time claimed.

4. It is certain, that by the Treaty the Eastern Boundary of the United States, from the head of the St. Croix, is to be a due north and south line; and it is equally certain, that this line is to run north till it reaches highlands from whose northern water-shed the rivers flow into the St. Lawrence.

5. These two things being, one mathematically, and the other physically, certain in themselves, and capable of being precisely marked and delineated, explain or control the uncertainty, if there be uncertainty, in the other part or element of the description.

6. The British argument, assuming that the Bay of Fundy, and more especially the Bay of Chaleur, are not the Atlantic Ocean within the meaning of the Treaty, insists, that the rivers flowing into these bays, are not, therefore, in the sense of the Treaty, rivers falling into the Atlantic; and, therefore, the highlands to which the United States claim, have not that southern or eastern water-shed which the Treaty calls for; and, as it is agreed, nevertheless, that we must somewhere find highlands and go to them, whose northern waters run into the St. Lawrence, the conclusion is, that the different parts of the description in the Treaty do not cohere, and that, therefore, the Treaty cannot be executed.

7. Our answer to this, as is obvious from what has already been said, is twofold.

1. What may be doubtful in itself, may be made certain by other things which are certain; and, inasmuch as the Treaty does certainly demand a due north line and does certainly demand the extension of that line to highlands, from whose northern sides the rivers flow into the River St. Lawrence, these two clear requirements make it plain, that the parties to the Treaty considered, in fact, the rivers flowing from the south or east of the said highlands to be rivers falling into the Atlantic Ocean; because they have placed St. Lawrence rivers, and the Atlantic rivers, in contradistinction to each other, as rivers running in opposite directions, but with their sources in the same highlands. Rivers fed from these highland fountains running north, or north-west, are rivers emptying themselves into the St. Lawrence; and rivers arising from the same fountains and running in an opposite direction, seem to be as clearly meant to be designated by the character of Atlantic rivers. And as, strongly corroborating this view of the subject, allow me to call your Lordship's attention to two facts.

1. The coast of the Atlantic Ocean from Penobscot River, north-easterly, and the western shore of the Bay of Fundy, which is but a continuation of the coast, and is in a line with it, is very nearly parallel to the course of the River St. Lawrence through the same latitudes. This is obvious from the map.

2. The rivers which, from their sources in the same ridge, flow

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respectively into the St. Lawrence and into the Bay of Fundy, and even into the Bay of Chaleur, run with remarkable uniformity in directions almost exactly opposite, as if hastening away from a common origin, to their different destinations, by the shortest course. The only considerable exception to this is the northern sweep of the upper part of the St. John; but the smaller streams flowing into this part of that river from the west, still strictly obey the general rule. Now if from a certain general line on the face of the country, or as delineated on the map, rivers are found flowing away in opposite directions, however strongly it may be asserted that the mountains or eminences are but isolated elevations, it is, nevertheless, absolutely certain, that such a line does, in fact, define a ridge of highlands which turns the waters both ways.

And as the commissioners in 1783 had the map before them; as they saw the parallelism of the sea-coast, and the course of the St. Lawrence; as they saw rivers rising from a common line, and running, some north or north-west, the others south or south-east; and as they speak of some of those rivers as emptying themselves into the River St. Lawrence, and of the others as falling into the Atlantic Ocean; and, as they make no third class, is there a reasonable doubt in which class they intended to comprehend all the rivers, running in a direction from the St. Lawrence, whether falling immediately or only ultimately, into the Atlantic Ocean?

If there be nothing incoherent, or inconsequential, in this chain of remarks, it will satisfy your Lordship, I trust, that it is not without reason, that American opinion has settled firmly in the conviction of the rights of the American side of the question; and I forbear from going into the consideration of the mass of other arguments and proofs, for the same reasons which restrain your Lordship from entering into an extended discussion of the question, as well as because your Lordship will have an opportunity of perusing a paper, addressed to me by the Commissioners of Maine, which strongly presents the subject, on other grounds, and in other lights.

I am now to consider your Lordship's note of the 21st June. Before entering upon this, I have the President's instructions to say, that he fully appreciates the motives which induced your Lordship personally to undertake your present mission; that he is quite aware that your public life has been distinguished by efforts to maintain peace and harmony between the two countries; that he quite well recollects that your exertions were employed to prevent the late war; and that he doubts not the sincerity of your declaration that nothing could have drawn you from your retirement and induced you to engage in your present undertaking but the hope of being of service to your country and to our common race. And I have the utmost pleasure, my Lord, in acknowledging the frankness, candour, aad plain dealing which have characterized your official intercourse with this Government; nor am I permitted or inclined to entertain any doubt of your Lordship's entire conviction, as expressed by yourself, as to the merits of this controversy and the difficulties of the case.

The question before us is, whether these confident opinions on both sides of the rightful nature and just strength of our respective claims will permit us, while a desire to preserve harmony and a disposition to yield liberally to mutual convenience so strongly invite us, to come together and to unite on a line by agreement.

It appears to be your Lordship's opinion that the line of the St. John, from the point where the north line from the St. Croix strikes that river, up to some one of its sources, evidently suits both parties; with an exception, however, of that part of the Madawaska settlements which is on the south side of the St. John, which you proposed should be included within the British territory. That, as a line by agreement, the St. John, for some distance upward from its intersection by the line running north from the St. Croix, would be a very convenient boundary for the two parties, is readily admitted; but it is a very important question how far up, and to which of the sources of this river, this line should extend. Above Madawaska, the course of the river turns to the south, and stretching away towards the sources of the Penobscot, leaves far to the north the line of communication between New Brunswick and Canada. That line departs

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from the St. John altogether, near Madawaska, and keeping principally upon the left or north bank of the Madawaska, and proceeding by way of the Temiscouata Lake, reaches the St. Lawrence at the mouth of the River du Loup.

There are, then, two important subjects for consideration.

First, whether the United States can agree to cede, relinquish, or cease to claim any part of the territory west of the north line from St. Croix, and south of the St. John; and I think it but candid to say at once that we see insurmountable objections to admitting the line to come south of the river. Your Lordship's observations upon the propriety of preserving the unity of the Madawaska settlement, are in a great measure just, and altogether founded, I doubt not, in entirely good motives. They savour of humanity, and a kind regard to the interests and feelings of individuals. But the difficulties seem insuperable. The river, as your Lordship remarks, seems a natural boundary; and in this part of it, to run in a convenient direction. It is a line always clear and indisputable. If we depart from it, where shall we find another boundary equally natural, equally clear, and conforming to the same general course? A departure from the line of the river, moreover, would open new questions about equivalents, which it would probably be found impracticable to settle. If your Lordship was at liberty, as I understand you not to be, to cede the whole or a part of the territory commonly called the Strip, lying east of the north line, and west of the St. John, considerations might be found in such a cession, possibly, for some new demarcation west of the north line and south of the river. But, in the present posture of things, I cannot hold out the expectation to your Lordship that any thing south of the river can be yielded.

And, perhaps, the inconveniences to the settlers on the southern bank, of making the river the boundary, are less considerable than your Lordship supposes. These settlers are scattered along a considerable extent, very likely soon to connect themselves with whomsoever may come to live near them, and though of different origin, and some difference of religion, not likely on the whole to be greatly dissimilar from other borderers occupying the neighbouring territory. Their rights of property would of course be all preserved, both of inheritance and alienation; and if some of them should choose to retain the social and political relations under which they now are, their removal for that purpose to the north bank, drawing after it no loss of property or of means of subsistence, would not be a great hardship. Your Lordship suggests the inconvenience of dividing a municipality by a line of national boundary; and certainly there is force in the observation; but if, departing from the river, we were to establish to the south of it an artificial line, upon the land, there might be points upon such land at which people would live in numbers on both sides, and a mere mathematical line might thus divide villages while it divided nations. The experience of the world, and our own experience, shows the propriety of making rivers boundaries, wherever their courses suit the general objects; for the same reason that, in other cases to which they are applicable, mountain ranges or ridges of highlands are adopted for the same purpose; these last being, perhaps still more convenient lines of division than rivers, being equally clear and prominent objects; and the population of neighbouring countries bordering on a mountain line of separation, being usually thin and inconsiderable on either side. Rivers and inland waters constitute the boundary between the United States, and the territories of Her Majesty for some thousands of miles westward from the place where the 45° of north latitude intersects the St. Lawrence, and along this line, though occasional irregularities and outbreaks have taken place, always by the agency and instigation of agitators and lawless men, friends of neither country, yet it is clear that no better demarcation of limits could be made. And at the north-east, along the space through which the St. Croix constitutes the line of separation, controversies and conflicts are not heard of; but similarity of language, character, and pursuits, and mutual respect for the rights of each other, preserve the general peace.

Upon the whole, my Lord, feeling that there may be inconvenience,

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and perhaps a small degree of hardship, I cannot admit that there is any cruelty in separating the Madawaska settlers south of the St. John, so far as political relations are concerned, from their neighbours on the north of that river. In the present state of society and of peace which exists between the two countries, the severance of political relations needs not to disturb social and family intercourse; while high considerations, affecting both the present and the future, seem to me to require that following natural indications we adhere to the St. John in this part of its course, as the line of division.

The next question is, how far upward this boundary ought to be observed, and along which of its branches. This question would be easily settled, if what may be called the main branch of the river in this part of it, differing from the general character of the rivers in this region of country, did not make a sudden turn. But if we consider the main branch of the St. John's that which has been recently usually so denominated, your Lordship observes that near the mouth of the Madawaska it turns almost at right angles, and pushes its sources towards those of the Penobscot. Contiguity and compactness of territory can hardly be preserved by following a stream which makes, not occasional windings, but at once so great a deflection from its previous course. The Madawaska is one of its branches or principal sources, and, as the map shows, is very much a continuance of the line of the principal river from the Great Falls upwards. The natural course would, therefore, seem to be to continue along this branch.

We understand, and indeed collect from your Lordship's note, that with whatever opinion of her right to the Disputed Territory, England in asserting it has principally in view to maintain, on her own soil, her accustomed line of communication between Canada and New Brunswick. We acknowledge the general justice and propriety of this object, and agree at once that, with suitable equivalents, a conventional line ought to be such as to secure it to England. The question, therefore, simply is, what line will secure it? The common communication between the provinces follows the course of the St. John, from the Great Falls to the mouth of the Madawaska, and then, not turning away to the south with the course of the main stream, identifies itself with that of the Madawaska, going along with it to the Temiscouata Lakes, thence along those lakes, and so across the highlands, to streams running into the St. Lawrence. And this line of communication we are willing to agree shall hereafter be within acknowledged British territory, upon such conditions and considerations as may be assented to. The Madawaska and the fore-mentioned lakes might conveniently constitute the boundary. But I believe it is true that in some part of the distance above the mouth of the Madawaska, it has been found convenient to establish the course of communication on the south bank of that river. This consideration may be important enough to justify a departure from what would otherwise be desirable, and the running of the line at some distance south of the Madawaska, observing natural monuments where it may be practicable, and thus leaving the whole valley of the Madawaska on the British side.

The United States, therefore, upon the adjustment of proper equivalents, would not object to a line of boundary which should begin at the middle of the main channel of the River St. John where that river is intersected by a due north line, extended from the source of the St. Croix, thence proceeding westerly by the middle of the main channel of that river, to a point three miles westerly of the mouth of the Madawaska; thence by a straight line to the outlet of Long Lake: thence westerly by a direct line to the point where the River St. Francis empties itself into the lake called Pohenagamook; thence continuing in the same direct line to the highlands which divide the waters falling into the River Du Loup from those which fall into the River St. Francis. Having thus arrived at the highlands I shall be ready to confer on the correct manner of following them to the north-westernmost head of the Connecticut River.

Such a line as has been now described would secure to England a free intercourse between Canada and New Brunswick; and, with the navi-

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gation of the St. John yielded to the United States, would appear to meet the wants of all parties.

Your Lordship's proposition in regard to the navigation is received as just, and as constituting, so far as it may go, a natural equivalent. Probably the use of the river for the transportation of the products of the forest grown on the American side of the line, would be equally advantageous to both parties, and therefore, in granting it, no sacrifice of British interest would be incurred. A conviction of this, together with their confidence in the validity of their own claim, is very likely to lead the two States immediately concerned, to consider their relinquishment of the lands north of the line, much in the light of a mere cession. It needs not to be denied, that to secure this privilege, and to have a right to enjoy it free from tax, toll, or other liability, or inability, is an object of considerable importance to the people of Maine.

Your Lordship intimates that as a part of the general arrangement of boundaries, England would be willing to surrender to the United States Rouse's Point, and all the territory heretofore supposed to be within the boundaries of New Hampshire, Vermont, and New York, but which a correct ascertainment of the 45th parallel of north latitude shows to be included within the British line. This concession is, no doubt, of some value. If made, its benefit would enure, partly to these three States and partly to the United States, and none of it to the particular interests of Maine and Massachusetts. If regarded, therefore, as a part of the equivalent for the manner of adjusting the North-Eastern Boundary, these two last-mentioned States, would, perhaps, expect that the value, if it could be ascertained, should be paid to them. On this point further consideration may be necessary.

If, in other respects, we should be able to agree on a boundary, the points which you refer to, connected with the ascertainment of the head of the Connecticut, will be attended to, and Captain Talcott who made the exploration in that quarter will be ready to communicate the result of his observations.

I have, &c.,
(Signed) DANL. WEBSTER.

Inclosure in No. 6.

The Commissioners from Maine to Mr. Webster.

Sir, *Washington, June* 29, 1842.

THE Undersigned, Commissioners of Maine, have given to the letter of Lord Ashburton, addressed to you under date of the 21st instant, and by you communicated to them, all the consideration which the importance of the subject of which it treats, the views it expresses, and the propositions it submits to you, demand.

There are passages in his Lordship's communication, the exact extent of the meaning of which the Undersigned are not quite sure that they fully understand.

In speaking of the inhabitants on the south side of the St. John, in the Madawaska settlement, he says, "I cannot in any case abandon the obvious interest of these people." Again, in speaking of the proposition submitted by him, he remarks, "I have not treated the subject in the ordinary form of a bargain, where the party making the proposal leaves himself something to give up. The case would not admit of this, even if I could bring myself so to act."

If his Lordship's meaning is that the proposed boundary by agreement, or conventional line, between the State of Maine and the Province of New Brunswick must at all events be established on the south side of the St. John, extending from the due north line to Fish River and at a distance back from the river, so as to include the Madawaska settlement, and that the adoption of such a line is a *sine quâ non* on the part of the British Government, the Commissioners on the part of the State of Maine feel it their duty as distinctly to say, that any attempt at an amicable

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adjustment of the controversy respecting the North-Eastern Boundary on that basis with the consent of Maine would be entirely fruitless.

The people of Maine have a deep-settled conviction and the fullest confidence in the justice of their claim to its utmost extent; yet being appealed to, as a constituent member of the American Union, and called upon as such to yield something in a spirit of patriotism for the common good, and to listen in a spirit of peace, of accommodation and good neighbourhood to propositions for an amicable settlement of the existing controversy, they have cheerfully and promptly responded to the appeal. Her Governor and Legislature in good faith immediately adopted the measures necessary on her part, with a view to relinquish to Great Britain such portion of territory and jurisdiction as might be neded by her for her accommodation, on such terms and for such equivalents as might be mutually satisfactory. Beyond this nothing more was supposed to be expected or desired. During the negotiations at Ghent the British Commissioners in a communication to the American Commissioners, dated October 8, 1814, distinctly avow that "the British Government never required all that portion of Massachusetts intervening between the Province of New Brunswick and Quebec, should be ceded to Great Britain; but only that small portion of unsettled country which intercepts the communication between Halifax and Quebec." So his Lordship in his communication admits that "the reasons which have induced the British Government to maintain their rights" (claim) "in this controversy" are, "the establishing a good boundary between our two countries so as to prevent collisions and dispute, and an unobstructed communication and connexion of our colonies with each other." Again, looking, as he says, on the map for such a boundary, "with reference to the sole object of Great Britain, as already described, the line of the St. John's from where the north line from the St. Croix strikes it up to some one of its sources, seems evidently to suit both Parties," &c. Indeed the portion of territory which Great Britain needs for her accommodation is so perfectly obvious, that no material difference of opinion, it is believed, has ever been expressed on the subject. It is that portion which lies north of the St. John and east of the Madawaska rivers, with a strip of convenient width on the west side of the latter river and the lake from which it issues.

Sent here, then, under this state of things, and with these views, by the Legislature of Maine, in a spirit of peace and conciliation, her Commissioners were surprized and pained to be repelled, as it were, in the outset, by such a proposition as his Lordship has submitted to you. On carefully analyzing it, it will be seen that in addition to all the territory needed by Great Britain for her accommodation, as stated and admitted by her own authorities and agents, it requires that Maine should further yield a valuable territory of more than fifty miles in extent, lying along the sonth side of the St. John, extending from the due north line westerly to Fish River, and so back from the River St. John, as it is understood, to the Eagle Lakes, and probably to the Little Madawaska and Aroostook. Speaking of this branch of his proposition, his Lordship treats it merely as "departing to this inconsiderable extent from the marked line of the River St. John." His Lordship does not state how much further up the river he contemplates going. His language implies that the distance to Fish River, although over fifty miles, is an inconsiderable part of the whole extent contemplated. This part of the proposition then, would seem to imply a relinquishment also on the part of Maine of a large portion of her territory north of the St. John and west of the Madawaska Rivers. In this view of the case it is due to the Governor and Legislature, and people of Maine, to say that they had not expected such a proposition. If they had, nothing is hazarded in saying no Commissioners would have been sent here to receive and consider it. And in this state of things it becomes a bounden duty on the part of the Undersigned to say to you that, if the yielding and relinquishing on the part of the State of Maine of any portion of territory, however small, on the south side of the St. John, be with Her Britannic Majesty's Government a *sine quâ non* to an amicable settlement of the boundary of Maine, the mission of the Commissioners of Maine is ended. They came not to throw obstacles in the way to the successful

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accomplishment of the great work you have on hand,—that of consolidating an honourable peace between two great nations,—but, on the contrary, they came prepared to yield much, to sacrifice much on the part of Maine to the peace of the Union, and the interest of her sister States. If the hopes of the people of Maine and of the United States are to be disappointed, it is believed the fault lies not at the door of the Governor or Legislature of Maine or of her Commissioners.

At the date of the earliest maps of that country, the river now called the Madawaska, had not acquired a distinctive name, and consequently the source of that river was regarded as one of the sources, if not the principal source, of the St. John. On looking at the map, it will at once be seen that the general course of the St. John and Madawaska, from the mouth of the former to the source of the latter, are one and the same. As connected with this fact, we find that, at least, five different maps published in London, in the years 1765, 1769, 1771, 1774, 1775, place the north-west angle of Nova Scotia on the Highlands at the source of that branch of the St. John, then without distinctive appellation, but now known as the Madawaska. One of these five is specially quoted in the Report of the Committee of Congress, of the 16th August, 1782, so often referred to in this controversy. In no map of a date prior to the Treaty of 1783, it is believed, is the north-west angle of Nova Scotia placed on the highlands at the source of any branch whatever of the St. John, but the Madawaska. Hence the proposition of the American Commissioners, in 1782, in discussing the subject of the Boundaries of the United States, to begin at the north-west angle of Nova Scotia, on the highlands at the source of the St. John. Respect for the distinguished men who negotiated the Treaty of Peace of 1783, would induce the Undersigned to renew the proposition, so far as regards adopting the Madawaska as a boundary, were it not that, being prepared to yield all that is needed for the accommodation of Great Britain, they are aware that a strip on the west side of that river is necessary to that object. The particular map quoted in the report above-mentioned, is that of Emanuel Bowen, Geographer to the King, published in 1775, in which the Penobscot, and a line drawn from one of its sources, crossing the St. John, to the source of that branch now called the Madawaska, are distinctly laid down as the western boundary of Nova Scotia. So in all the maps which place the north-west angle of Nova Scotia on the highlands at the source of the St. John, those highlands and that source are on the north side of the Walloostook, which is now known to be the main branch of the St. John. The inference or assumption, then, that it was not the intention of the Commissioners who negotiated the Treaty of Peace, that any portion of the valley or waters of the St. John should be included within the limits of the United States, because the American negotiators of that Treaty proposed the north-west angle of Nova Scotia on the highlands at the source of the St. John, as the place of beginning, in establishing the boundaries of the United States, is, it is believed, wholly unwarranted. The fact, on the contrary, as it seems to the Undersigned, disproves any such intention or supposition on the part of the American Commissioners.

The British Commissaries, Messrs. Mildmay and Dr. Cosne, in their reply of the 23rd of January, 1753, to the French Commissaries, say, "We have sufficiently proved, first, that Acadia (Nova Scotia) has had an inland limit from the earliest times; and secondly, that that limit has ever been the River St. Lawrence." At that time, then, the British Government contended that the north-west angle of Nova Scotia was formed by the River St. Lawrence as one line, and a line drawn north from the St. Croix to the St. Lawrence as the other; and this is in conformity with the position assigned to it in Mitchell's Map, and some others. By the grant to Sir William Alexander, the north-west angle of Nova Scotia was also placed at the River St. Lawrence, although its precise locality on that river is not determined by the language of the grant. The French Commissaries, on their part, contended that the limits of Canada extended on the south side of the St. Lawrence, so as to embrace the territory watered by the rivers that empty themselves into the River St. Lawrence, "Les pays dont les eaux vont se rendre dans le

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fleuve Saint Laurent." The Commissions granted to the Governors of Canada, and all the public documents issued by the authority of the French Government, fully sustain their position.

There is no ground, say they, for entertaining a doubt that all the Commissions granted by the King, for the Government of Canada, were conceived in the same terms. In the splendid Universal Atlas published at Paris by De Vaugondy and Son, in 1757, there is a map dated 1755, and referred to expressly by the author, who was Geographer to the King, as illustrating the dispute between France and Great Britain in regard to the boundaries of their respective territories. On this map, the dividing ridge or highland is placed where the United States have ever contended it is only to be found; and what is deserving of notice is, that the north-west angle of Nova Scotia is there placed on these highlands at the head of the lake there called Metavasta; the line separating Nova Scotia from New England, being drawn through the centre of that lake to the source of the St. Croix. The disputes above referred to having led to a war between France and Great Britain, France finally ceded to Great Britain, in February, 1763, Canada, and abandoned all claim to Nova Scotia and the whole territory in controversy between the two Powers. On the 7th October, 1763, His Britannic Majesty issued his Proclamation, defining the southern boundary of Canada, or the Province of Quebec, and establishing it where the French Government always contended that it was. Immediately afterwards, he also defined and established the western limit of Nova Scotia, alleging by way of justification of certain pretensions which had been put forward in opposition to Massachusetts in regard to the Penobscot as a boundary, that although he might have removed the line as far west as the Penobscot, yet he would limit himself to the St. Croix. Accordingly, the western boundary of Nova Scotia was in November, 1763, defined and established as follows: "By a line," &c., "across the entrance of the Bay of Fundy to the mouth of the River St. Croix, by the said river to its source, and by a line drawn due north from thence to the southern boundary of our Province of Quebec." The north-west angle of Nova Scotia was, by these two documents, established in November, 1763, and defined to be the angle formed by the line last described, and the line which "passes along the highlands which divide the rivers that empty themselves into the said River St. Lawrence from those which fall into the sea, and along the north coast of the Bay des Chaleurs." We now see wherefore it was that the distinguished men who negotiated the Treaty of Peace were so particular in describing the precise position and giving so exact a definition of the north-west angle of Nova Scotia mentioned in the Treaty. They distinctly and explicitly state that motive to be that "all disputes which might arise in future on the subject of the boundaries of the United States, may be prevented." Their starting bounds, or point of departure, is the north-west angle of Nova Scotia. Here the question presents itself, what north-west angle? They describe it:—not that north-west angle which in several maps is laid down on the highlands, at the Madawaska source of the St. John's;—not that north-west angle on the southern bank of the River St. Lawrence, laid down on Mitchell's Map, and so strenuously contended for by the British Government and British Commissaries in their dispute with France;—not that north-west angle on the River St. Lawrence, described in the charter or grant by King James to Sir William Alexander; but the north-west angle of Nova Scotia, defined and established in November, 1763, "to wit: that angle which is formed by a line drawn due north from the source of the St. Croix river to the highlands," &c.; and further, that there might be no ground for reviving the old pretension in regard to the Penobscot, or any other western river being intended as the St. Croix, the River St. Croix intended in the Treaty is declared to have its mouth in the Bay of Fundy. Nor is there any pretence of any doubt or question having been raised, until long after the Treaty of Peace, as to what highlands were intended in the Proclamation of 1763, as constituting the southern boundary of Quebec. So far from it, the Parliament of Great Britain, in 1774, passed the Quebec Act, which was one of the grievances complained of by the Colonies, and which

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confirmed the boundaries, so far as the matter under consideration is concerned, defined and established by that proclamation. Of these two public acts the American Commissioners were not ignorant nor misinformed. They are both expressly referred to and mentioned in the Report of August 16, 1782, already mentioned. To find these highlands the statesman and jurist, who has no other object in view than to expound the Treaty according to its terms and provisions, uninfluenced by any secret bias or preconceived theory, will, it is believed, begin, not at the mouth or source of the St. Croix, but on the bank of the River St. Lawrence, at a point north of the source of the River St. Croix, and following the due north line so called southward, he will find no difficulty in discovering the line of the "*versants*," from which issue the rivers that empty themselves into the River St. Lawrence. The whole and exclusive object and intent of the Proclamation of 1763, so far as relates to this matter of boundary, in that section of country, was not in any way to affect or alter the limits of jurisdiction over the territory lying south of that line of "*versants*," but only to cut off from Nova Scotia and Massachusetts, that portion of territory which was watered by the rivers which empty themselves into the River St. Lawrence. Accordingly the due north line, or boundary between Nova Scotia and Massachusetts, is described as extending "from the source of the St. Croix to the southern boundary of our Province of Quebec."

The Commissioners of Maine do not consider themselves as sent here to argue the question of right in regard to the conflicting claims to the Disputed Territory, nor to listen to an argument in opposition to the claim of Maine. Their mission contemplated a far different and more conciliatory object. They have, however, felt themselves compelled, in justice to Maine, to reply to two positions assumed by Lord Ashburton, the soundness of which, with great deference and respect for his Lordship, they cannot admit;—first, that "it was the intention of the parties to the Treaty of Peace of 1783, to leave to Great Britain, by their description of boundaries, the whole waters of the River St. John;" secondly, "that the Treaty of 1783 was not executable according to its strict expression." His Lordship also speaks of "a volume of additional controversial matter which he has not communicated, but which he has brought with him, and much of which would be of no inconsiderable weight and importance if controversy were our object." Among the matter referred to in that volume, the Undersigned believe they have reason to conjecture, will be found a map entitled "North America with the new Discoveries," by William Faden, Geographer to the King, published in the year 1785. That map, a copy of which is now before the Undersigned, communicated by you, extends the British possessions so as to include the waters of the St. John, and dispenses with the due north line of the Treaty altogether. The map referred to is a small one of small pretensions. It is, however, somewhat remarkable, that the same William Faden published in 1783, a map, prepared with great care, entitled "The United States of North America, with the British and Spanish territories according to the Treaty," in which he lays down the boundary of Quebec according to the Act of 1774, and the boundary of the United States in precise accordance with the American claim. He was not at that time Geographer to the King. It is well known that difficulties, very soon after the Treaty of Peace, began to spring up between the United States and Great Britain, which became more and more exasperated until the conclusion of the Treaty negotiated by Mr. Jay. During that period, the boundaries of the United States became more restricted on more British maps than the one published by Mr. Faden. How far the new light let in upon him by the feeling of the times, and his new position enlighten the mind of Mr. Faden, in making his new discoveries, it is neither our duty nor our disposition to discuss. Mr. Faden and others were only imitating, in this particular, what had been done some thirty years before, during the controversy between France and Great Britain; and again in the subsequent one, between the Crown and Massachusetts, when the officers of the Crown were endeavouring to reclaim the territory east of the Penobscot.

As they have been assured that Lord Ashburton is restrained by his

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instructions from yielding the Island of Grand Manan, or any of the islands in Passamaquoddy Bay, or even any portion of the narrow strip of territory which lies between the due north line from the source of the St. Croix and the St. John River, above Eel River, so called, as an equivalent for any portion of the territory claimed by Maine as within her boundaries, her commissioners, on their part, feel themselves constrained to say, that the portion of territory within the limits of Maine as claimed by her, which they are prepared, in a spirit of peace and good neighbourhood, to yield for the accommodation of Great Britain, must be restrained and confined to such portion only, and in such reasonable extent as is necessary to secure to Great Britain "an unobstructed communication and connection of her colonies with each other." It appears by his communication to you that his Lordship proposes to yield the Disputed Territory claimed by New Hampshire at the sources of the Connecticut River, the strip of Disputed Territory at the head of Vermont, in the possession of that State, north of the 45th parallel of latitude, and the strip of Disputed Territory, embracing Rouse's Point, on Lake Champlain, north of the same parallel, in the possession of the State of New York, notwithstanding these have been decided by the arbiter to belong of right to Great Britain. Now the Undersigned are fully aware of the importance of having all these difficulties with regard to boundaries amicably adjusted, and that it is highly desirable to the United States to have them so adjusted, and to the particular States interested, to be confirmed and quieted in their respective limits and possessions. But it cannot have escaped your attention that all this is proposed to be done, partly at the expense of Massachusetts, but principally at the expense of Maine. The only thing in the nature of an equivalent offered to Maine and Massachusetts relates to a concession by Great Britain of the right of transporting the produce of the forests, without duty, down the St. John. It is not the intention of the Undersigned to depreciate or underrate the value of such a concession; but it is contended that it is a privilege as desirable to New Brunswick as it is to Maine and Massachusetts. It is to the territory of Maine, watered by the St. John and its tributary streams, that the city of St. John must look for the principal material to sustain her external commerce, for her means to pay for the supplies she receives from the mother-country. The unobstructed navigation of the St. John's for the transportation of the products of the forest, free of toll or duty of any kind whatever, would be a concession mutually advantageous to Maine and Massachusetts on the one part, and to Great Britain and New Brunswick on the other; but being mutually advantageous, it ought not, perhaps, to be treated exactly in the character of an equivalent. Yielding, however, to the force of the considerations which have been referred to,—considerations which affect materially the interests of Maine and Massachusetts as members of the Union,—and assuming it for granted, and as a ocndition that the United States themselves will furnish to the two States such an equivalent as in justice and equity they ought to do, the Undersigned, with the consent and concurrence of the Commissioners of Massachusetts, propose the following as a conventional line, or line by agreement, between the United States and the State of Maine on the one part, and Great Britain and the territories of Her Britannic Majesty on the other, viz.: beginning at the middle of the main channel of the River St. John. where the due north line from the source of the River St. Croix crosses the St. John; thence westerly by the middle of the main channel of the St. John, to a point three miles westerly of the mouth of the River Madawaska; thence by a straight line to the outlet of Long Lake; thence westerly by a direct line to the point where the River St. Francis empties itself into Lake Pohenagamook; thence continuing in the same direct line to the highlands which divide the waters emptying themselves into the River Du Loup, from those which empty themselves into the River St. Francis.

In proposing this line the following reasons have presented themselves to the Undersigned, for adopting it as a conventional line, or line by agreement, in preference to any other.

1st. It yields to Great Britain all she needs to secure to her "an unobtructed communication and connection of the colonies with each other,"

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and, connected with the unobstructed and free navigation of the St. John, seems to meet the legitimate wants of all parties.

2nd. The most natural boundary from the due north line to the highlands of the treaty would be the St. John and the Madawaska to its source as first proposed by the American Commissioners who negotiated the Peace of 1783. But as that boundary, taken in its whole extent, would cut off the communication between the British Colonies at the Grand Portage, the line here proposed removes that difficulty. At or near the point where the proposed line leaves the St. John, which, from the due north line to the St. Croix, pursues a north-westerly course upward, the river suddenly turns and trends for a distance of about five miles nearly south, and thence for its whole course upward to its source trends southerly of west. To pursue the line of the St. John further west than the point indicated, which is about three miles above the mouth of the Madawaska, would be to adopt an angular line projecting itself into the American territory.

The outlet of Long Lake is proposed as a natural and permanent bound which cannot be mistaken. And for the same reason the inlet of Lake Pohenagamook is also proposed; and the line being continued to the highlands removes all possible ground of misapprehension and controversy.

3rd. As Great Britain has restrained her Minister Plenipotentiary from granting any territorial equivalent to be incorporated into the territorial limits of Maine, any further concession of territory on the part of Maine could hardly, it is apprehended, be expected from her.

In making the proposition above submitted on their part, in connection with a concession on the part of Great Britain of the unobstructed navigation of the St. John and all its branches and tributaries, which, in any part, flow from the territory of the United States, for the transportation of the timber and products of the forest, free of toll or duty, the Undersigned had supposed it quite possible that they had misapprehended the meaning intended to be conveyed by the expression of Lord Ashburton, where he speaks of "some one of the sources of the St. John." But they have now just learned informally, that the expression was used by him advisedly, meaning thereby some one of the sources of that river situated in the vicinity of the sources of the Penobscot and Chaudière. His proposition, therefore, extends to a yielding, on the part of Maine, of the whole territory on the north side of the St. John, from the due north line to its source; and this, too, without any territorial equivalent to Maine. With this explanation the language of Lord Ashburton in calling the southern border of the St. John, from the due north line to the mouth of Fish River, an "inconsiderable extent" is more readily understood. To this part of the proposition there is only one reply. Whatever may be the solicitude of the Undersigned that the difficulties which have arisen in regard to the boundaries of Maine may be amicably and definitively arranged, the proposition as now explained and understood cannot be acceded to.

In making the offer they have submitted the Undersigned are sensible their proposition involves a sacrifice of no inconsiderable portion of the just claims and expectations of Maine. It is made in the spirit of peace,—of conciliation. It is made to satisfy her sister States that Maine is not pertinacious or unreasonable, but is desirous of peace, and ready to make large sacrifices for the general good.

Before closing this communication the Undersigned feel it their duty to say something by way of explanation of their views, in regard to the French settlers at Madawaska. In any treaty which may be made with Great Britain affecting these people, the grants which have been made to them by New Brunswick, may and ought to be confirmed to them in fee simple, with such provision in regard to the possessory rights acquired by other actual settlers there as may be just and equitable, and also the right may be reserved to the settlers on both banks of the river, to elect, within some reasonable period, and determine of which Government the individuals, signifying their election, will remain or become citizens or subjects. If, then, they should have any preference they will have it in

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their power, on mature consideration and reflection, to decide for themselves and act accordingly. The hard lot and sufferings of these people and of their fathers, give them a claim to our sympathies. The atrocious cruelties practised upon their ancestors are matters of history. The appalling details of them are among their traditions. The fathers and mothers have taught them to their children. When fleeing from their oppressors in 1785 they settled down in the wilderness of Madawaska; they believed and understood themselves to be within the limits and jurisdiction of the United States, a people of whom France had been the friend and ally in the war which had just terminated in their independence, and who was still the friend and ally of France in peace. Their history since that period has lost little of its interest. Too few in number, too weak in resources, too remote to expect or receive aid, they submitted to whatever master assumed authority over them. With a knowledge of their history, and the wrongs they and their ancestors have suffered, it will be difficult for the people of Maine to bring themselves into the belief that these people are opposed to living under the mild and gentle sway of our free institutions. It will be equally difficult for the people of Maine to satisfy themselves that it is only from a lively and disinterested sympathy for these poor Frenchmen that the Government of Great Britain is so solicitous to retain possession of the south bank of the St. John, extending from the due north line more than fifty miles up to Fish River. On the best consideration they have been able to give to this subject the Undersigned can see nothing in the condition or circumstances of these settlers, which would justify them in abandoning the very obvious and only natural boundary, to adopt one that must be altogether arbitrary.

The Undersigned avail themselves, &c.,

(Signed) WM. P. PREBLE.
EDWARD KAVANAGH.
EDWARD KENT.
JOHN OTIS.

No. 7.

Lord Ashburton to Mr. Webster.

Sir, *Washington, July* 11, 1842.

I LOSE no time in ackowledging the receipt of the note you did me the honour of addressing me on the 8th instant; and I beg in the first place to say that I am duly sensible of the assurance you give me that the President has been pleased to appreciate the motives which induced my present mission, and much flattered by your recognition of the candour and frankness which have hitherto marked our intercourse.

I had hoped that we had escaped by mutual consent from a return to the endless and fruitless argument on the general question of the rights of our respective Governments in the matter of the North-Eastern Boundary. It seemed to have been decided by so many high and competent authorities, that the precise geographical point so long looked for was not to be found, that it necessarily followed that any hope of settlement must rest upon an amicable compromise. The arrival here of Commissioners from Maine and Massachusetts, and the admitted disposition of the two Governments have given the public a very general expectation that this compromise might at last be effected, and I hope you will excuse my expressing my regret, that the note now before me, and the paper from the gentlemen from Maine addressed to you which accompanied it, should have contained so much of a renewal of the old controversy, and should not have been confined to the simple question, whether we could or could not agree to terms of settlement. If the observations contained in my note of the 13th ultimo, have given rise to these consequences I much regret it; and I would now pass over all these more than useless discussions, and proceed at once to notice the proposals you

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make, if I were not apprehensive, that my so doing might be construed into some want of respect for the parties from whom these observations have proceeded.

I will, however, endeavour to bring within a narrow compass what I have to say on the subject, and the more so, because with all deference to you, Sir, I may add that there is little in these arguments that is new, or that has not been often advanced and refuted during the many past years of controversy.

I should except from this want of novelty the position, to me entirely new, advanced by the Commissioners from Maine, that the north-west angle of Nova Scotia, which is, as you express it, "the thing to be sought for and found," was at the head of the Madawaska River: which river, it is maintained by a long argument, supported by authorities and maps, was always considered as the real St. John's; and this is stated to justify the opinion expressed by the old Congress in 1779, that this north-west angle was at the source of the St. John's.

Giving all possible consideration to this apparently new discovery, I cannot say that it appears well founded. Looking at Mitchell's Map, the use of which by the negotiators of the Peace of 1783, has been always so much relied upon on the part of America, there is nothing more clearly mar ed than the great distinct channel of the Upper St. John, and it seems hardly possible that the negotiators or the Congress should have made the supposed mistake. But supposing the hypothesis were well founded, the Temiscouata Lake is then now to be this long-lost angle of Nova Scotia. What becomes then of the point so long contended for by Maine between the Metis and one of the tributaries of the Restigouche? These points must be about fifty miles apart. Both cannot be true; and if it be maintained, as I rather collect it to be, from the paper of the Maine Commissioners, that the point at the Metis is the true boundary, as being the point stricken by the north line, though the other be the true north-west angle of Nova Scotia, there is at least an end of the whole argument resting upon this north-west angle being, as stated by you, "the thing to be sought for, and found."

If this new diccovery leads us to no other inference, we can hardly fail to derive from it the conviction that all the ingenuity applied to unravel this mystery leaves us equally in the dark, and that it is not without reason that it has been decided by so many persons, after careful examination, that this boundary is not susceptible of settlement according to the precise words of the Treaty.

This decision has been come to by Mr. Madison in 1802, by Mr. Jefferson in 1803, by Judge Sullivan about the same time, by the arbiter in 1831, and it has been acted upon by nearly every Secretary of State of the United States during the controversy from that time to this; for although in a case in dispute each party during the dispute endeavours to hold his own, I am not aware that any Secretary of State or any President of the United States has ever treated this subject otherwise than as one attended by that degree of uncertainty, that it could only be solved by an arbiter or by a compromise, I would appeal to your candour, Sir, to say, whether at this time, and under these circumstances, it is fair to speak of this Disputed Territory as belonging indisputably to one party, and to be yielded by way of concession, and for equivalents to the other. Any convention I may sign, must be for a division of that which is in doubt and dispute. With any arrangements between the State of Maine and the General Government I have nothing to do, and if, which God forbid, our endeavours at an amicable compromise should at last fail, I must hold that Great Britain retains her right at least equal to that of the United States, to every part of the Territory in dispute, until by a renewed reference, or by the skill of some more fortunate negotiator this difference may be brought to a close. I have now only to add a few observations upon the arguments contained in your own note.

Some stress is laid upon the fact that the joint commissioners of the two Governments in 1817, directed the surveyors to run the north line from the St. Croix until it met waters running into the St. Lawrence. The lines to be run were to ascertain the geographical facts of the case.

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No proceeding could be more proper. The claims of the two parties varied, and it was natural that in the first instance, a line should be run north to the extent claimed by either party. Where that line would reach, and what highlands or streams it might strike was unknown; so much so that Mr. Gallatin in his letter from Ghent, mentioned in my note of the 13th ultimo, expressed his doubts on this subject. His prediction turned out to be true. The point where the line strikes the Metis, was a point not fulfilling the words of the Treaty. It did not divide the waters as desired, unless the Bay of Chaleurs, and the Gulf of St. Lawrence are considered to answer the description of the Atlantic Ocean. Mr. Gallatin was sensible of this, and intimates that if this fact created doubt, the lands about the Restigouche might be given up, but he forgets that in giving up this territory he gives up his argument, for he maintains in opposition to the British line of boundary, that it does not continuously and in all its parts divide the waters as required by the Treaty. The American line was in this respect equally deficient, and it is useless therefore here to consider whether it would have been preferable to the British line, if it had divided the waters of the St. Lawrence from those of the St. John. To make even a plausible case for the American line, both the St. John and the Restigouche must be held to be rivers emptying into the Atlantic Ocean. The Royal Arbiter says it would be hazardous so to class them. I believe that whatever argument might be made in the case of the St. John connected with the distinctions with which it was mentioned in the Treaty, to consider the Restigouche as flowing into the Atlantic Ocean, would be more than hazardous,—it would be most absurd.

At all events I would submit to you, that no inference could be drawn from the commissioners in 1817, having ordered a north line to be run, the same commissioners after drawing the line having disagreed as to any conclusions from it.

I am rather surprised that an inspection of the map should lead us to such different views of the course of the rivers, and of the coast, as stated by you. I find that the upper St. John and the Restigouche, so far from cutting at right angles the parallel lines of the coast and the St. Lawrence as you say, run in their main course nearly parallel with them. I am not aware that the fact is important, although it seems connected with your argument.

My inspection of these maps, and my examination of the documents, lead me to a very strong conviction that the highlands, contemplated by the negotiators of the Treaty, were the only highlands then known to them at the head of the Penobscot, Kennebec, and the rivers west of the St. Croix; and that they did not precisely know how the north line from the St. Croix would strike them; and if it were not my wish to shorten this discussion, I believe a very good argument might be drawn from the words of the Treaty in proof of this. In the negotiations with Mr. Livingston, and afterwards with Mr. McLane, this view seemed to prevail, and, as you are aware, there were proposals to search for these highlands to the west, where alone, I believe, they will be found to answer perfectly the description of the Treaty. If this question should, unfortunately, go to a further reference, I should by no means despair of finding some confirmation of this view of the case. I shall now, Sir, close what I have to say on the controversial part of this question. I should not have treated of it at all, but from respect to the gentlemen from Maine, whose arguments you conveyed to me; and I shall certainly not renew it, unless called upon by you to do so. Our immediate business is with the compromise of what is not otherwise to be settled, and argument and controversy far from assisting to that end, have more generally a tendency to irritate and excite.

Referring, then, to our more immediate subject of a line by agreement, I deeply regret, on reading your observations and proposals, that we are yet so far asunder. I always thought this part of our duty better performed by conference than by correspondence, unless, indeed, we had the misfortune not to be able ultimately to agree, in which case it would certainly be necessary, that our countries should see clearly on paper how

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nearly we had approached to each other, and on whom the blame at last rested of leaving unsettled a question involving such serious consequences. I would still recommend this course of personal discussion and conference, but, in the mean time, I proceed to notice the proposals and observations contained in your note.

It is sufficiently explained in my plan for a settlement, why I was anxious not to divide, in two parts, by our new line of boundary, the Madawaska settlements; and I am sorry to say, that the information I have since received, both as to local circumstances and the anxiety of the people themselves, tends strongly to confirm my impressions. At the same time you will have seen, that I was sensible that some good reason should be assigned, why we should not be satisfied with what you justly term, the otherwise perfect boundary of the St. John. In your reply you recognize the difficulties of the case and do justice to our motives; but you state distinctly, on the part of your Government, that you can consent to no line which should bring us over the St. John, without some equivalent of territory to be found out of the limits of that part which is in dispute, and you refer, more particularly, to a certain strip lying between the north line and the river. This strip I have no power to give up, and I beg to add, that the refusal of my Government is founded simply on their objection to dispose arbitrarily of the persons and property of Her Majesty's subjects living by preference under her authority, an objection which you are sensible applies with peculiar force to the inhabitants of this part of New Brunswick.

I had hoped that the other equivalents which I had offered, combined with the sense entertained by the Government of the United States, of the pressing importance of the case, on the ground of humanity, would have been sufficient for the purpose I so anxiously desired; but perceiving from your note, as well as from personal conversation, that concession on this point is insisted upon, I might be disposed to consider, whether my anxious desire to arrive at a friendly settlement would not justify me in yielding, however reluctantly, if the latter part of your proposals did not, if finally persevered in, forbid all hope of any settlement whatever.

The boundary you propose, supposing the British territory not to come over the St. John, is to run from the north side of that river three miles above its junction with the Madawaska, over an arbitrary line, which my map does not exactly permit me to follow, until it reaches somewhere the St. Francis. I need not examine this line in its precise details, because I am obliged frankly to state, that it is inadmissible. I think I might, Sir, fairly appeal to your candid judgment to say, whether this is a proposition of conciliation; whether, after all antecedent discussions on this subject, it could reasonably be expected that, whatever might be the anxiety of my Government for a friendly settlement, I could be found with power to accede to such terms. I need not observe to you, that this would give to Great Britain less than the award of the Arbiter, while at the same time she should be called upon to give up what that Arbiter awarded to her, and if I do not mistake you, the floatage of the lumber of Maine down the St. John is also expected to be surrendered.

I must beg to say, that I am quite at a loss to account for such a proposal. Your own principle of maintaining the Great River, as the best boundary is abandoned, an arbitrary line is drawn which nobody ever suggested before, and I can only suppose this course to be dictated by that general assumption, that notwithstanding all former admissions and decisions to the contrary, this Territory said to be in dispute, in truth belongs to one party to be doled out as a favour to the other, an assumption which cannot for a moment be admitted, and which you, Sir, with the records of your office before you will hardly maintain.

The position in which this negotiation now stands, seems to prove what I have before ventured to advance, that it would have a better chance of success by conference than by correspondence; at all events, that we should sooner arrive at ascertaining what we can, or what we cannot do. Slow, unnecessarily slow, our progress has hitherto been, and the public seem, somehow or other, to have become informed that there are differences. I hope when we come to discuss them, that they will prove less serious than

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they are supposed to be; but it is very desirable that doubts and distrusts should be set at rest, and that public credit and the transactions of commerce should suffer the least possible disturbance. For although, should this negotiation unfortunately fail, it will be our duty immediately to place it in some new course of further reference, it is not to be disguised that such a result must be productive of considerable public anxiety and disappointment. What I have said with respect to the case of the Madawaska settlements will, I trust, sufficiently prove my disposition to approach such a discussion with the true spirit of conciliation; and I trust you will permit me to express a hope that it will be met with a corresponding feeling.

Before concluding, I wish to add a few words respecting the line of the St. John to one of its sources, and the navigation, for certain purposes, of that river. It may be true that the district between the St. John west of the St. Francis and the highlands, may be of some extent; but your own surveyors will confirm to you that it is of very little value, either for cultivation or timber. Is it reasonable that in the division of an object in dispute, its intrinsic value should be wholly disregarded, and its size or extent be alone considered? I would further suggest for your consideration, whether, supposing the division by the King of the Netherlands to be admitted to satisfy fairly the equity of the case between the parties, what is proposed to be added by Great Britain, viz.: the Strip, on the 45th parallel of latitude, and the use of the navigation of the St. John, be not an ample compensation for what we ask in return, viz.: that barren strip above the Upper St. John, which is wanted for no other purpose than as a boundary, for which purpose it is admitted on all sides to be most convenient.

The right to use the St. John for floating down the lumber of Maine, on the same terms as the river is used by the Queen's subjects, is now treated as a matter of light importance. This is not uncommon when a concession of any kind is about to be yielded, but I beg to remind you that this was not formerly so considered. It has been repeatedly solicited and invariably refused; and no Minister of Great Britain has before been permitted to connect this concession with the settlement of the boundary. It is considered by my Government as a very important concession. I am sure that it must be considered by all persons in Maine connected with the lumber trade, as not only valuable but indispensable; and I am compelled to add, that I am empowered to allow this privilege only in the event of a settlement of the Boundary on satisfactory terms. It is said in the memorandum of the Maine Commissioners, that this conceded navigation will be as useful to the town of St. John as to the lumberers of Maine; but it will not escape you that even if this be so, it is a concession necessary to give any value whatever to so bulky an article as lumber, which, being not otherwise disposable, would bear any reasonable toll which the provincial authorities of New Brunswick might think it expedient to levy upon it. Further, it should not be forgotten, that the timber, once at the mouth of the St. John, will have the privilege of reaching the British as well as other markets; and lastly, that it is a very different thing to hold a privilege of this important description by right, or by mere sufferance, to be granted or withheld at pleasure.

I have to apologize for entering into these details in treating of the great question with which we are occupied; but they seemed called for by observations contained in the paper you send me.

I beg, Sir, you will be assured, &c.,

(Signed) ASHBURTON.

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No. 8.

Lord Ashburton to Mr. Webster.

Sir, *Washington, July* 16, 1842.

THERE is a further question of disputed boundary between Great Britain and the United States, called the North-west Boundary, about which we have had some conferences; and I now proceed to state the terms which I am ready to agree to for the settlement of this difference. As the principal object in dispute is to be given up by Great Britain, I trust, Sir, that you will here again recognise the spirit of friendly conciliation which has guided my Government in disposing of these questions.

I have already sufficiently discussed with you the boundaries between Her Majesty's provinces and the United States, from the monument at the head of the River St. Croix, to the monument on the River St. Lawrence, near the village of St. Regis.

The commissioners under the Sixth Article of the Treaty of Ghent, succeeded in continuing this boundary from St. Regis, through the St. Lawrence and the great northern lakes, up to a point in the channel between Lake Huron and Lake Superior.

A further continuation of this boundary, from this point through Lake Superior to the Lake of the Woods, was confided to the same commissioners under the Seventh Article of the Treaty of Ghent, but they were unfortunately unable to agree, and have consequently left this portion of the boundary undetermined. Its final settlement has been much desired by both Governments, and urgently pressed by communications from Mr. Secretary Forsyth to Mr. Fox, in 1839 and 1840.

What I have now to propose cannot, I feel assured, be otherwise than satisfactory for this purpose.

The commissioners who failed in their endeavours to make this settlement, differed on two points:

First, as to the appropriation of an island called St. George's Island, lying in the water communication between Lake Huron and Lake Superior; and

Secondly, as to the boundary through the water communications from Lake Superior to the Lake of the Woods.

The first point I am ready to give up to you, and you are no doubt aware that it is the only object of any real value in this controversy. The Island of St. George's is reported to contain 25,920 acres of very fertile land, but the other things connected with these boundaries being satisfactorily arranged, a line shall be drawn so as to throw this island within the limits of the United States.

In considering the second point, it really appears of little importance to either party how the line be determined through the wild country between Lake Superior and the Lake of the Woods, but it is important that some line should be fixed and known.

The American Commissioner asked for the line from Lake Superior up the River Kamanistiguia to the lake called Dog Lake, which he supposed to be the same as that called Long Lake in the treaties, thence through Sturgeon Lake to the Lac la Pluie, to that point where the two lines assumed by the commissioners again meet.

The British Commissioner, on the other hand, contended for a line from the south-western extremity, at a point called le Fond du Lac to the middle of the mouth of the estuary or Lake of St. Louis River, thence up that river through Vermilion River to Lac la Pluie.

Attempts were made to compromise these differences, but they failed, apparently more from neither party being willing to give up the Island of St. George's, than from much importance being attached to any other part of the case.

Upon the line from Lake Superior to the Lake of the Woods, both Commissioners agreed to abandon their respective claims, and to adopt a middle course, for which the American Commissioner admitted that there

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was some ground of preference. This was from Pigeon River, a point between Kamanistiguia and the Fond du Lac; and although there were differences as to the precise point near the mouth of Pigeon River, where the line should begin, neither party seem to have attached much importance to this part of the subject.

I would propose that the line be taken from a point about six miles south of Pigeon River, where the Grand Portage commences on the lake, and continued along the line of the said portage, alternately by land and water, to Lac la Pluie—the existing route by land and by water remaining common to both parties. This line has the advantage of being known, and attended with no doubt or uncertainty in running it.

In making the important concession on this boundary, of the Isle St. George, I must attach a condition to it of accommodation, which experience has proved to be necessary in the navigation of the great waters which bound the two countries—an accommodation which can, I apprehend, be no possible inconvenience to either. This was asked by the British Commissioner, in the course of the attempts at compromise above alluded to; but nothing was done because he was not then prepared, as I am now, to yield the property and sovereignty of St. George's Island.

The first of these two cases is at the head of Lake St. Clair, where the river of that name empties into it from Lake Huron. It is represented that the channel bordering the United States coast in this part, is not only the best for navigation, but, with some winds, is the only serviceable passage. I do not know that under such circumstances the passage of a British vessel would be refused; but on a final settlement of boundaries, it is desirable to stipulate for what the commissioners would probably have settled had the facts been known to them.

The other case, of nearly the same description, occurs on the St. Lawrence, some miles above the boundary of St. Regis. In distributing the islands of the river by the commissioners, Barnhart's Island and the Long Sault Islands were assigned to America. This part of the river has very formidable rapids, and the only safe passage is on the southern or American side, between those islands and the main land. We want a clause in our present treaty to say that for a short distance, viz.: from the upper end of Upper Long Sault Island to the lower end of Barnhart's Island, the several channels of the river shall be used in common by the boatmen of the two countries.

I am not aware that these very reasonable demands are likely to meet with any objection, especially when the United States will have surrendered to them all that is essential in the boundary I have now to propose to you.

I beg you will be assured, sir, of my unfeigned and distinguished consideration.

(Signed) ASHBURTON.

No. 9.

Mr. Webster to Lord Ashburton.

Department of State,
Washington, July 27, 1842.

M Lord,

I HAVE now to propose to your Lordship a line of division embracing the disputed portions of the boundary between the United States and the British Provinces of New Brunswick and the Canadas, with its considerations and equivalents, such as conforms, I believe, in substance to the result of the many conferences and discussions which have taken place between us.

The acknowledged territories of the United States and England join upon each other from the Atlantic Ocean to the eastern foot of the Rocky Mountain, a distance of more than 3,000 miles. From the ocean to the source of the St. Croix the line of division has been ascertained and fixed

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by agreement; from the source of the St. Croix to a point near St. Regis, on the River St. Lawrence, it may be considered as unsettled or controverted; from this last-mentioned point along the St. Lawrence and through the Lakes, it is settled until it reaches the water-communication between Lake Huron and Lake Superior. At this point the Commissioners under the 7th Article of the Treaty of Ghent found a subject of disagreement which they could not overcome, in deciding up which branch or channel the line should proceed till it should reach a point in the middle of St. Mary's River, about one mile above St. George's or Sugar Island.

From the middle of the water-communication between the two lakes, at the point last mentioned, the Commissioners extended the line through the remaining part of that water-communication, and across Lake Superior to a point north of Ile Royale, but they could not agree in what direction the line should run from this last-mentioned point, nor where it should leave Lake Superior, nor how it should be extended to the Rainy Lake, or Lac la Pluie. From this last-mentioned lake they agreed on the line to the north-westernmost point of the Lake of the Woods, which they found to be in latitude 49° 23′ 55″.

The line therefore extends, according to existing treaties, due south from this point to the 49th parallel of north latitude, and by that latitude to the Rocky Mountains.

Not being able to agree upon the whole line, the Commissioners under the 7th Article did not make any joint report to their respective Governments; so far as they agreed on any part of the line that part has been considered settled, but it may be well to give validity to these portions of the line by the Treaty.

To complete the Boundary Line, therefore, and to remove all doubts and disputes, it is necessary for the two Governments to come to an agreement on three points:—

1st. What shall be the line on the north-eastern and northern limits of the United States, from the St. Croix to the St. Lawrence. This is by far the most important and difficult of the subjects, and involves the principal questions of equivalents and compensations.

2nd. What shall be the course of the boundary from the point where the Commissioners under the 6th Article of the Treaty of Ghent terminated their labours; to wit, a point in the Neebish Channel, near Muddy Lake, in the water-communication between Lake Huron and Lake Superior, to a point in the middle of St. Mary's River, one mile above Sugar Island. This question is important, as it involves the ownership of that island.

3rd. What shall be the line from the point north of Ile Royale in Lake Superior, to which the Commissioners of the two Governments arrived by agreement, to the Rainy Lake; and also to confirm those parts of the line to which the said Commissioners agreed.

Besides agreeing upon the line of division through these controverted portions of the boundary, you have suggested also, as the proposed settlement proceeds upon the ground of compromise and equivalents, that boats belonging to Her Majesty's subjects may pass the falls of the Long Saut on the St. Lawrence, on either side of the Long Saut Islands; and that the passages between the islands lying at or near the junction of the River St. Clair with the lake of that name, shall be severally free and open to the vessels of both countries. There appears no reasonable objection to what is requested in these particulars; and on the part of the United States it is desirable that their vessels in proceeding from Lake Erie into the Detroit River, should have the privilege of passing between Bois Blanc, an island belonging to England, and the Canadian shore, the deeper and better channel being on that side.

The line, then, now proposed to be agreed to, may be thus described:—

Beginning at the monument at the source of the River St. Croix, as designated and agreed to by the Commissioners under the 5th Article of the Treaty of 1794 between the Governments of the United States and Great Britain; thence north, following the exploring line run and marked by

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the surveyors of the two Governments, in the years 1817 and 1818, under the 5th Article of the Treaty of Ghent, to its intersection with the River St. John, and to the middle of the channel thereof; thence up the middle of the main channel of the said River St. John to the mouth of the River St. Francis; thence up the middle of the channel of the said River St. Francis, and of the lakes through which it flows, to the outlet of the Lake Pohenagamook; thence south-westerly, in a straight line, to a point on the north-west branch of the River St. John, which point shall be ten miles distant from the main branch of the St. John, in a straight line, and in the nearest direction; but if the said point shall be found to be less than seven miles from the nearest point of the summit or crest of the highlands that divide those rivers which empty themselves into the River St. Lawrence, from those which fall into the Atlantic Ocean, then the said point shall be made to recede down the said river, to a point seven miles in a straight line from the said summit or crest; thence in a straight line, in a course about south 8° west, to the point where the parallel of latitude of 46° 25′ intersects the south-west branch of the St. John; thence southerly by the said branch to the source thereof in the highlands at the Metjarmette portage; thence down along the said highlands to the head of Hall's Stream; thence down the middle of said stream, till the line thus run intersects the old line of boundary surveyed and marked by Valentine and Collins previously to the year 1774, as the 45° of latitude, and which has been known and understood to be the line of actual division between the States of New York and Vermont, on one side, and the British Province of Canada on the other; and from said point of intersection, west, along the said dividing line, as heretofore known and understood, to the Iroquois, or St. Lawrence River; and from the place where the Joint Commissioners terminated their labours under the 6th Article of the Treaty of Ghent, to wit, at a point in the Neebish Channel, near Muddy Lake, the line shall run into and along the ship channel between St. Joseph and St. Tammany Islands, to the division of the channel at or near the head of St. Joseph's Island; thence turning eastwardly and northwardly around the lower end of St. George's or Sugar Islands, and following the middle of the channel which divides St. George's from St. Joseph's Island; thence up the East Neebish channel, next to St. George's Island, through the middle of Lake George; thence west of Jonas Island, into St. Mary's River, to a point in the middle of that river, about one mile above St. George's or Sugar Island, so as to appropriate and assign the said island to the United States; thence, adopting the line traced on the maps by the Commissioners, through the River St. Mary and Lake Superior, to a point north of Ile Royale in said lake, 100 yards to the north and east of Ile Chapeau, which last-mentioned island lies near the north-eastern-point of Ile Royale, where the line marked by the Commissioners terminates; and from the last-mentioned point south-westerly, through the middle of the Sound, between Ile Royale and the north-western mainland, to the mouth of Pigeon River, and up said river to and through the north and south Fowl Lakes, to the lakes of the height of land between Lake Superior and the Lake of the Woods; thence, along the water communication to Lake Saisaginaga, and through that lake; thence to and through Cypress Lake, Lac du Bois Blanc, Lac la Croix, Little Vermillion Lake, and Lake Namecan, and through the smaller lakes, straits, or streams connecting the lakes here mentioned, to that point in Lac la Pluie, or Rainy Lake, at the Chaudière Falls, from which the Commissioners traced the line to the most north-western point of the Lake of the Woods; thence, along the said line to the said most north-western point, being in latitude 49° 23′ 55″ north, and in longitude 95° 14′ 38″ west from the observatory at Greenwich; thence, according to existing Treaties, the line extends due south to its intersection with the 49th parallel of north latitude, and along that parallel to the Rocky Mountains. All the water-communications, and all the usual portages along the line from Lake Superior to the Lake of the Woods, and also Grand Portage, from the shore of Lake Superior to the Pigeon River, as now actually used, to be free and open to the use of the subjects and citizens of both countries.

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It is desirable to follow the description, and the exact line of the original Treaty, as far as practicable. There is reason to think, that "Long Lake" mentioned in the Treaty of 1783, meant merely the estuary of the Pigeon River, as no lake, called "Long Lake," or any water strictly conforming to the idea of a lake, is found in that quarter. This opinion is strengthened by the fact, that the words of the Treaty would seem to imply, that the water, intended as "Long Lake," was immediately adjoining Lake Superior. In one respect, an exact compliance with the words of the Treaty, is not practicable. There is no continuous water-communication between Lake Superior and the Lake of the Woods, as the Lake of the Woods is known to discharge its waters through Red River of the north into Hudson's Bay. The dividing height or ridge between the eastern sources, or the tributaries of the Lake of the Woods, and the western sources of Pigeon River, appears, by authentic maps, to be distant about forty miles from the mouth of the Pigeon River, on the shore of Lake Superior.

It is not improbable, that in the imperfection of knowledge which then existed, of these remote countries, and, perhaps, misled by Mitchell's Map, the negotiators of the Treaty of 1783 supposed the Lake of the Woods to discharge its waters into Lake Superior. The broken and difficult nature of the water-communication from Lake Superior to the Lake of the Woods, renders numerous portages necessary; and it is right that these water-communications, and these portages, should make a common highway, where necessary, for the use of the subjects and citizens of both Governments.

When the proposed line shall be properly described in the Treaty, the grant by England of the right to use the waters of the River St. John, for the purpose of transporting to the mouth of that river, all the timber and agricultural products raised in Maine, on the waters of the St. John, or any of its tributaries, without subjection to any discriminating toll, duty, or disability, is to be inserted. Provision should also be made for quieting and confirming the titles of all persons having claim to lands on either side of the line, whether such titles be perfect or inchoate only; and to the same extent in which they would have been confirmed by their respective Governments, had no change taken place. What has been agreed to, also, in respect to the common use of certain passages in the rivers and lakes, as already stated, must be made matter of regular stipulation.

Your Lordship is also informed by correspondence which formerly took place between the two Governments, that there is a fund arising from the sale of timber, concerning which fund, an understanding was had some years ago. It will be expedient to provide by the Treaty, that this arrangement shall be carried into effect.

A proper Article will be necessary to provide for the creation of a commission to run and mark some parts of the line between Maine and the British provinces.

These several objects appear to me to embrace all respecting the Boundary Line and its equivalents, which the Treaty needs to contain as matters of stipulation between the United States and England.

I have, &c.,
(Signed) DANIEL WEBSTER.

No. 10.

Lord Ashburton to Mr. Webster.

Sir, *Washington, July* 29, 1842.

I HAVE attentively considered the statement contained in the letter you did me the honour of addressing me the 27th of this month, of the terms agreed to for the settlement of boundaries between Her Majesty's provinces and the United States, being the final result of the many conferences we have had on this subject. This statement appears sub-

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stantially correct in all its parts, and we may now proceed, without further delay, to draw up the Treaty. Several of the articles for this purpose are already prepared and agreed, and our most convenient course will be to take and consider them singly. I would beg leave to recommend, that as we have excellent charts of the country through which the boundary, which failed of being settled by the Commissioners under the Seventh Article of the Treaty of Ghent, is partially marked, that it would be advisable to make good the delineation on those charts, which would spare to both parties the unnecessary expense of new commissioners and a new survey. In this case the only commission required would be to run the line on the boundary of Maine.

The stipulations for the greater facility of the navigation of the River St. Lawrence, and of two passages between the upper lakes, appear evidently desirable for general accommodation, and I cannot refuse the reciprocal claim made by you to render common the passage from Lake Erie into the Detroit River. This must be done by declaring the several passages in those parts free to both parties.

I should remark, also, that the free use of the navigation of the Long Sault passage on the St. Lawrence must be extended to below Barnhart's Island, for the purpose of clearing those rapids.

I beg leave to repeat to you, sir, the assurance of my most distinguished consideration.

(Signed) ASHBURTON.

No. 11.

Lord Ashburton to Mr. Webster.

Sir, *Washington, August* 9, 1842.

IT appears desirable that some explanation between us should be recorded by correspondence, respecting the 5th Article of the Treaty signed by us, this day, for the settlement of boundaries between Great Britain and the United States.

By that Article of the Treaty it is stipulated, that certain payments shall be made by the Government of the United States to the States of Maine and Massachusetts. It has of course been understood, that my negotiations have been with the Government of the United States, and the introduction of terms of agreement between the General Government and the States would have been irregular and inadmissible, if it had not been deemed expedient to bring the whole of these transactions within the purview of the Treaty. There may not be wanting analogous cases to justify this proceeding, but it seems proper that I should have confirmed by you, that my Government incurs no responsibility for these engagements, of the precise nature and object of which I am uninformed, nor have I considered it necessary to make inquiry concerning them.

I beg Sir, &c.,

(Signed) ASHBURTON.

No. 12.

Mr. Webster to Lord Ashburton.

Department of State,

My Lord, *Washington, August* 9, 1842.

I HAVE the honour to acknowledge the receipt of your note of this date, with respect to the object and intention of the 5th Article of the Treaty. What you say in regard to that subject is quite correct. It purports to contain no stipulation on the part of Great Britain, nor is any responsibility supposed to be incurred by it on the part of your Government.

I renew, &c.,

(Signed) DANIEL WEBSTER.

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LETTER

FROM

LORD ASHBURTON TO MR. WEBSTER,

RESPECTING

THE MUTUAL SURRENDER OF PERSONS FUGITIVE FROM JUSTICE.

Lord Ashburton to Mr. Webster.

Sir, *Washington, August* 9, 1842.

BY the 3rd Article of the Convention which I have this day signed with you, there is an agreement for the reciprocal delivery, in certain cases, of criminals fugitive from justice, but it becomes necessary that I should apprize you that this Article can have no legal effect within the dominions of Great Britain until confirmed by Act of Parliament. It is possible that Parliament may not be in session before the exchange of the ratifications of the Convention, but its sanction shall be asked at the earliest possible period, and no doubt can be entertained that it will be given. In Her Majesty's territories in Canada, where cases for acting under this Convention are likely to be of more frequent occurrence, the Governor-General has sufficient power under the authority of local legislation, and the Convention will there be acted upon so soon as its ratification shall be known; but it becomes my duty to inform you of the short delay which may possibly intervene in giving full effect to it, where the confirmation by Parliament becomes necessary for its execution.

I beg, Sir, &c.,
(Signed) ASHBURTON.

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CORRESPONDENCE

BETWEEN

LORD ASHBURTON AND MR. WEBSTER,

RESPECTING THE

CASE OF THE CREOLE, &c.

No. 1.

Mr. Webster to Lord Ashburton.

Department of State,
Washington, August 1, 1842.

My Lord,

THE President has learned, with much regret, that you are not empowered by your Government to enter into a formal stipulation for the better security of vessels of the United States, when meeting with disasters in passing between the United States and the Bahama Islands, and driven by such disasters into British ports. This is a subject which is deemed to be of great importance, and which cannot, on the present occasion, be overlooked.

Your Lordship is aware, that several cases have occurred within the last few years, which have caused much complaint. In some of these cases compensation has been made by the English Government, for the interference of the local authorities with American vessels having slaves on board, by which interference these slaves were set free. In other cases such compensation has been refused. It appears to the President to be for the interest of both countries, that the recurrence of similar cases in future, should be prevented as far as possible.

Your Lordship has been acquainted with the case of the "Creole," a vessel carried into the port of Nassau last winter, by persons who had risen upon the lawful authority of the vessel, and, in the accomplishment of their purpose, had committed murder on a person on board.

The opinions which that occurrence gave occasion for this Government to express in regard to the rights and duties of friendly and civilized maritime States, placed by Providence near to each other, were well considered, and are entertained with entire confidence. The facts in the particular case of the "Creole" are controverted; positive and officious interference by the colonial authorities to set the slaves free being alleged on one side, and denied on the other.

It is not my present purpose to discuss this difference of opinion as to the evidence in this case, as it at present exists; because the rights of individuals having rendered necessary a more thorough and a judicial investigation of facts and circumstances attending the transaction, such investigation is understood to be now in progress, and its result, when known, will render me more able than at this moment to present to the British Government a full and accurate view of the whole case. But it is my purpose and my duty to invite your Lordship's attention to the

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general subject, and your serious consideration of some practical means of giving security to the coasting trade of the United States, against unlawful annoyance and interruption, along this part of their shore.

The Bahama Islands approach the coast of Florida within a few leagues, and, with the coast, form a long and narrow channel, filled with innumerable small islands and banks of sand, and the navigation difficult and dangerous, not only on these accounts, but from the violence of the winds and the variable nature of the currents. Accidents are of course frequent, and necessity often compels vessels of the United States in attempting to double Cape Florida, to seek shelter in the ports of these islands. Along this passage the Atlantic States hold intercourse with the States on the gulf and the Mississippi, and through it the products of the valley of that river,—a region of vast extent and boundless fertility,—find a main outlet to the sea in their destination to the markets of the world.

No particular ground of complaint exists as to the treatment which American vessels usually receive in these ports, unless they happen to have slaves on board; but in cases of that kind, complaints have been made, as already stated, of officious interference of the colonial authorities with the vessel, for the purpose of changing the condition in which these persons are by the laws of their own country, and of setting them free.

In the Southern States of this Union, slavery exists by the laws of the States and under the guarantee of the constitution of the United States, and it has existed in them from a period long antecedent to the time when they ceased to be British Colonies. In this state of things, it will happen that slaves will be often on board coasting vessels, as hands, as servants attending the families of their owners, or for the purpose of being carried from port to port. For the security of the rights of their citizens, when vessels having persons of this description on board, are driven by stress of weather or carried by unlawful force into British ports, the United States propose the introduction of no new principle into the law of nations. They require only a faithful and exact observance of the injunctions of that code, as understood and practised in modern times.

Your Lordship observes, that I have spoken only of American vessels driven into British ports by the disasters of the seas, or carried in by unlawful force. I confine my remarks to these cases, because they are the common cases, and because they are the cases which the law of nations most emphatically exempts from interference. The maritime law is full of instances of the application of that great and practical rule, which declares that that which is the clear result of necessity, ought to draw after it no penalty and no hazard. If a ship be driven by stress of weather into a prohibited port, or into an open port with prohibited articles on board, in neither case is any forfeiture incurred. And what may be considered a still stronger case, it has been decided by eminent English authority, and that decision has received general approbation, that, if a vessel be driven by necessity into a port strictly blockaded, this necessity is good defence and exempts her from penalty.

A vessel on the high seas beyond the distance of a marine league from the shore, is regarded as part of the territory of the nation to which she belongs, and subjected exclusively to the jurisdiction of that nation. If, against the will of her master or owner, she be driven or carried nearer to the land, or even into port, those who have or who ought to have control over her, struggling all the while to keep her upon the high seas, and so within the exclusive jurisdiction of her own Government, what reason or justice is there in creating a distinction between her rights and immunities in a position thus the result of absolute necessity, and the same rights and immunities before superior power had forced her out of her voluntary course?

But, my Lord, the rule of law and the comity and practice of nations, go much further than these cases of necessity, and allow even to a merchant-vessel coming into any open port of another country, voluntarily, for the purposes of lawful trade, to bring with her and keep over her, to a very considerable extent, the jurisdiction and authority of the

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laws of her own country. A ship, say the publicists, though at anchor in a foreign harbour, preserves its jurisdiction and its laws. It is natural to consider the vessels of a nation as parts of its territory, though at sea, as the State retains its jurisdiction over them; and, according to the commonly received custom, this jurisdiction is preserved over the vessel even in parts of the sea subject to a foreign dominion.

This is the doctrine of the law of nations, clearly laid down by writers of received authority, and entirely conformable, as it is supposed, with the practices of modern nations.

If a murder be committed on board of an American vessel, by one of the crew upon another, or upon a passenger, or by a passenger upon one of the crew, or another passenger, while such vessel is lying in a port within the jurisdiction of a foreign State or sovereignty, the offence is cognizable and punishable by the proper court of the United States, in the same manner as if such offence had been committed on board the vessel on the high seas. The law of England is supposed to be the same.

It is true that the jurisdiction of a nation over a vessel belonging to it, while lying in the port of another, is not necessarily wholly exclusive. We do not so consider or so assert it. For any unlawful acts done by her while thus lying in port, and for all contracts entered into while there, by her master or owners, she and they must doubtless be answerable to the laws of the place. Nor, if her master or crew while on board in such port break the peace of the community by the commission of crimes, can exemption be claimed for them. But nevertheless, the law of nations, as I have stated it, and the statutes of Governments founded on that law, as I have referred to them, show that enlightened nations, in modern times, do clearly hold that the jurisdiction and laws of a nation accompany her ships, not only over the high seas, but into ports and harbours, or wheresoever else they may be water-borne, for the general purpose of governing and regulating the rights, duties, and obligations of those on board thereof; and that to the extent of the exercise of this jurisdiction they are considered as parts of the territory of the nation herself.

If a vessel be driven by weather into the ports of another nation, it would hardly be alleged by any one that by the mere force of such arrival within the waters of the State, the law of that State would so attach to that vessel as to affect existing rights of property between persons on board, whether arising from contract or otherwise. The local law would not operate to make the goods of one man to become the goods of another man. Nor ought it to affect their personal obligations, or existing relations between themselves; nor was it ever supposed to have such effect, until the delicate and exciting question which has caused these interferences in the British islands arose. The local law in these cases dissolves no obligations or relations lawfully entered into, or lawfully existing, according to the laws of the ship's country. If it did, intercourse of civilized men between nation and nation must cease. Marriages are frequently celebrated in one country in a manner not lawful or valid in another. But did anybody ever doubt that marriages are valid all over the civilized world, if valid in the country in which they took place? Did any one ever imagine that local law acted upon such marriages to annihilate their obligations, if the parties should visit a country in which marriages must be celebrated in another form? It may be said that in such instances personal relations are founded in contract, and therefore to be respected; but that the relation of master and slave is not founded in contract, and therefore is to be respected only by the law of the place which recognizes it. Whoever so reasons, encounters the authority of the whole body of public law, from Grotius down, because there are numerous instances in which the law itself presumes or implies contracts; and prominent among these instances is the very relation which we are now considering, and which relation is holden by law to draw after it mutuality of obligation.

Is not the relation between a father and his minor children acknowledged when they go abroad? And on what contract is this founded, but a contract raised by general principles of law, from the relation of the parties?

Your Lordship will please bear in mind that the proposition which I

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am endeavouring to support, is, that by the comity of the law of nations, and the practice of modern times, merchant vessels entering open ports of other nations, for the purpose of trade, are presumed to be allowed to bring with them, and to retain for their protection and government, the jurisdiction and laws of their own country. All this, I repeat, is presumed to be allowed, because the ports are open, because trade is invited, and because, under these circumstances, such permission or allowance is according to general usage. It is not denied that all this may be refused; and this suggests a distinction, the disregard of which may perhaps account for most of the difficulties arising in cases of this sort; that is to say, the distinction between what a State may do, if it pleases, and what it is presumed to do, or not to do, in the absence of any positive declaration of its will. A State might declare that all foreign marriages should be regarded as null and void within its territory; that a foreign father, arriving with an infant son, should no longer have authority or control over him; that on the arrival of a foreign vessel in its ports, all shipping articles, and all indentures of apprenticeship between her crew and her owners or masters, should cease to be binding. These and many other things equally irrational and absurd, a Sovereign State has, doubtless, the power to do. But they are not to be presumed. It is not to be taken for granted, *ab ante*, that it is the will of the Sovereign State, thus to withdraw itself from the circle of civilized nations. It will be time enough to believe this to be its intention, when it formally announces that intention by appropriate edicts, enactments, or other declarations.

In regard to slavery within the British territories, there is a well known and clear promulgation of the will of the sovereign authority, that is to say, there is a well known rule of her law. As to England herself, that law has long existed; and recent Acts of Parliament establish the same law for the Colonies. The usual mode of stating the rule of English law is, that no sooner does a slave reach the shore of England than he is free. This is true; but it means no more than that when a slave comes within the exclusive jurisdiction of England, he ceases to be a slave, because the law of England positively and notoriously prohibits and forbids the existence of such a relation between man and man. But it does not mean, that English authorities, with this rule of English law in their hands, may enter where the jurisdiction of another nation is acknowledged to exist, and there destroy rights, obligations, and interests, lawfully existing under the authority of such other nation. No such construction, and no such effect, can be rightfully given to the British law. It is true, that it is competent to the British Parliament, by express statute provision, to declare that no foreign jurisdiction of any kind should exist in, or over a vessel, after its arrival, voluntarily in her ports. And so she might close all her ports to the ships of all nations. A State may also declare, in the absence of treaty stipulations, that foreigners shall not sue in her courts, nor travel in her territories, nor carry away funds or goods received for debts. We need not inquire what would be the condition of a country that should establish such laws, nor in what relation they would leave her towards the States of the civilized world. Her power to make such laws is unquestionable, but in the absence of direct and positive enactments to that effect, the presumption is that the opposites of these things exist. While her ports are open to foreign trade, it is to be presumed that she expects foreign ships to enter them, bringing with them the jurisdiction of their own Government and the protection of its laws, to the same extent that her ships and the ships of other commercial States carry with them the jurisdiction of their respective Governments into the open ports of the world; just as it is presumed, while the contrary is not avowed, that strangers may travel in a civilized country, in a time of peace, sue in its courts, and bring away their property.

A merchant vessel enters the port of a friendly State, and enjoys while there the protection of her own laws, and is under the jurisdiction of her own Government, not in derogation of the Sovereignty of the place, but by the presumed allowance or permission of that sovereignty. This permission or allowance is founded on the comity of nations, like the other

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cases which have been mentioned, and this comity is part, and a most important and valuable part, of the law of nations, to which all nations are presumed to assent, until they make their dissent known. In the silence of any positive rule, affirming or denying, or restraining the operation of foreign laws, their tacit adoption is presumed to the usual extent. It is upon this ground that courts of law expound contracts according to the law of the place in which they are made; and instances almost innumerable exist in which, by the general practice of civilized countries, the laws of one will be recognized, and often executed in another. This is the comity of nations; and it is upon this, as its solid basis, that the intercourse of civilized States is maintained.

But while that which has now been said is understood to be the voluntary and adopted law of nations in cases of the voluntary entry of merchant vessels into the ports of other countries, it is nevertheless true that vessels in such ports, only through an overruling necessity, may place their claims for exemption from interference on still higher principles; that is to say, principles held in more sacred regard by the comity, the courtesy, or indeed the common sense of justice of all civilized States.

Even in regard to cases of necessity, however, there are things of an unfriendly and offensive character, which yet it may not be easy to say that a nation might not do. For example, a nation might declare her will to be, and make it the law of her dominions, that foreign vessels cast away on her shores should be lost to their owners and subject to the ancient law of wreck. Or a neutral State, while shutting her ports to the armed vessels of belligerents, as she has a right to do, might resolve on seizing and confiscating vessels of that description which should be driven to take shelter in her harbours by the violence of the storms of the ocean. But laws of this character, however within the absolute competence of Governments, could only be passed, if passed at all, under a willingness to meet the last responsibility to which nations are subject.

The presumption is stronger, therefore, in regard to vessels driven into foreign ports by necessity, and seeking only temporary refuge, than in regard to those which enter them voluntarily and for purposes of trade, that they will not be interfered with; and that unless they commit, while in port, some act against the laws of the place, they will be permitted to receive supplies, to repair damage, and to depart unmolested.

If, therefore, vessels of the United States, pursuing lawful voyages from port to port along their own shore, are driven by stress of weather or carried by unlawful force into English ports, the Government of the United States cannot consent that the local authorities in those ports shall take advantage of such misfortunes, and enter them for the purpose of interfering with the condition of persons or things on board as established by their own laws. If slaves, the property of citizens of the United States, escape into the British territories, it is not expected that they will be restored. In that case, the territorial jurisdiction of England will have become exclusive over them and must decide their condition. But slaves on board of American vessels, lying in British waters, are not within the exclusive jurisdiction of England, or under the exclusive operation of English law; and this founds the broad distinction between the cases. If persons guilty of crimes in the United States seek an asylum in the British dominions, they will not be demanded until provision for such cases be made by treaty. Because the giving up of criminals fugitive from justice, is agreed and understood to be a matter in which every nation regulates its conduct according to its own discretion. It is no breach of comity to refuse such surrender.

On the other hand, vessels of the United States, driven by necessity into British ports, and staying there no longer than such necessity exists, violating no law, nor having intent to violate any law, will claim and there will be claimed for them, protection and security, freedom from molestation, and from all interference with the character or condition of persons or things on board.

In the opinion of the Government of the United States, such vessels so driven and so detained by necessity in a friendly port, ought to be regarded as still pursuing their original voyage, and turned out of their

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direct course only by disaster or by wrongful violence; that they ought to receive all assistance necessary to enable them to resume that direct course; and that interference and molestation by the local authorities, where the whole voyage is lawful, both in act and in intent, is ground for just and grave complaint.

Your Lordship's discernment and large experience in affairs cannot fail to suggest to you how important it is to merchants and navigators engaged in the coasting trade of a country so large in extent as the United States, that they should feel secure against all but the ordinary causes of maritime loss. The possessions of the two Governments closely approach each other. This proximity, which ought to make us friends and good neighbours, may, without proper care and regulation, itself prove a ceaseless cause of vexation, irritation, and disquiet.

If your Lordship has no authority to enter into a stipulation by treaty for the prevention of such occurrences hereafter as have already happened, —occurrences so likely to disturb that peace between the two countries which it is the object of your Lordship's mission to establish and confirm,—you may still be so far acquainted with the sentiments of your Government as to be able to engage that instructions shall be given to the local authorities in the islands, which shall lead them to regulate their conduct in conformity with the rights of citizens of the United States and the just expectations of their Government; and in such manner as shall in future take away all reasonable ground of complaint. It would be with the most profound regret that the President should see that, whilst it is now hoped so many other subjects of difference may be harmoniously adjusted, nothing should be done in regard to this dangerous source of future collisions.

I avail myself, &c.,
(Signed) DANL. WEBSTER.

No. 2.

Lord Ashburton to Mr. Webster.

Sir, *Washington, August* 7, 1842.

YOU may be well assured that I am duly sensible of the great importance of the subject to which you call my attention in the note which you did me the honour of addressing me the 1st instant, in which you inform me that the President had been pleased to express his regret that I was not empowered by my Government to enter into a formal stipulation for the better security of vessels of the United States, when meeting with disasters in passing between the United States and the Bahama Islands, and driven by such disasters into British ports.

It is, I believe, unnecessary that I should tell you that the case of the "Creole" was known in London a few days only before my departure. No complaint had at that time been made by Mr. Everett. The subject was not therefore among those which it was the immediate object of my mission to discuss. But at the same time I must admit, that from the moment I was acquainted with the facts of this case, I was sensible of all its importance, and I should not think myself without power to consider of some adjustment of, and remedy for, a great acknowledged difficulty, if I could see my way clearly to any satisfactory course, and if I had not arrived at the conclusion, after very anxious consideration, that, for the reasons which I will state, this question had better be treated in London, where it will have a much increased chance of settlement on terms likely to satisfy the interests of the United States.

The immediate case of the "Creole" would be easily disposed of, but it involves a class and description of cases which, for the purpose of affording that security you seek for the trade of America through the Bahama Channel, brings into consideration questions of law, both national and international, of the highest importance; and, to increase the delicacy and difficulty of the subject, public feeling is sensitively

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alive to everything connected with it. These circumstances bring me to the conviction, that although I really believe that much may be done to meet the wishes of your Government, the means of doing so would be best considered in London, where immediate reference may be had to the highest authorities on every point of delicacy and difficulty that may arise. Whatever I might attempt, would be more or less under the disadvantage of being fettered by apprehensions of responsibility, and I might thereby be kept within limits which my Government at home might disregard. In other words, I believe you would have a better chance in this settlement with them, than with me. I state this after some imperfect endeavours by correspondence to come at satisfactory explanations. If I were in this instance treating of ordinary material interests, I should proceed with more confidence; but anxious as I unfeignedly am, that all questions likely to disturb future good understanding between us should be averted, I strongly recommend this question of the security of the Bahama Channel being referred for discussion in London.

This opinion is more decidedly confirmed by your very elaborate and important argument on the application of the general principles of the law of nations to these subjects; an argument to which your authority necessarily gives great weight, but in which I would not presume to follow you with my own imperfect means. Great Britain and the United States, covering all the seas of the world with their commerce, have the greatest possible interest in maintaining sound and pure principles of international law, as well as the practice of reciprocal aid and good offices in all their harbours and possessions. With respect to the latter, it is satisfactory to know, that the disposition of the respective Governments and people leaves little to be desired, with the single exception of those very delicate and perplexing questions which have recently arisen from the state of slavery; and even these seem confined, and likely to continue to be confined, to the narrow passage of the Bahama Channel. At no other part of the British possessions are American vessels with slaves ever likely to touch, nor are they likely to touch there otherwise than from the pressure of very urgent necessity. The difficulty, therefore, as well as the desired remedy, is apparently confined within narrow limits.

Upon the great general principles affecting this case, we do not differ: you admit that if slaves, the property of American citizens, escape into British territories, it is not expected that they will be restored, and you may be well assured that there is no wish on our part that they should reach our shores, or that British possessions should be used as decoys for the violators of the laws of a friendly neighbour.

When these slaves do reach us by whatever means, there is no alternative. The present state of British law is in this respect too well known to require repetition, nor need I remind you, that it is exactly the same with the laws of every part of the United States, where a state of slavery is not recognized; and that the slave put on shore at Nassau, would be dealt with exactly as would a foreign slave landed under any circumstances whatever at Boston.

But what constitutes the being within British dominion, from which these consequences are to follow? Is a vessel passing through the Bahama Channel, and forced involuntarily either from storm or mutiny into British waters, to be so considered? What power have the authorities of those islands to take cognizance of the condition of persons or property in such vessels? These are questions, which you, Sir, have discussed at great length, and with evident ability. Although you have advanced some propositions which rather surprise and startle me, I do not pretend to judge them, but what is very clear is, that great principles are involved in a discussion, which it would ill become me lightly to enter upon, and I am confirmed by this consideration in wishing that the subject be referred to where it will be perfectly weighed and examined.

It behoves the authorities of our two Governments well to guard themselves against establishing by their diplomatic intercourse false precedents and principles, and that they do not for the purpose of meet-

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ng a passing difficulty, set examples which may hereafter mislead the world.

It is not intended on this occasion to consider in detail the particular instances which have given rise to these discussions, they have already been stated and explained; our object is rather to look to the means of future prevention of such occurrences. That this may be attained I have little doubt, although we may not be able immediately to agree on the precise stipulations of a treaty. On the part of Great Britain there are certain great principles too deeply rooted in the consciences and sympathies of the people, for any Minister to be able to overlook, and any engagement I might make in opposition to them would be instantly disavowed. But, at the same time that we maintain our own laws within our own territories, we are bound to respect those of our neighbours, and to listen to every possible suggestion of means of averting from them every annoyance and injury. I have great confidence that this may be effectually done in the present instance; but the case to be met and remedied is new, and must not be too hastily dealt with; you may however be assured that measures so important for the preservation of friendly intercourse between the two countries shall not be neglected.

In the mean time I can engage that instructions shall be given to the Governors of Her Majesty's colonies on the southern borders of the United States, to execute their own laws with careful attention to the wish of their Government to maintain good neighbourhood, and that there shall be no officious interference with American vessels driven by accident or by unlawful violence into those ports. The laws and duties of hospitality shall be executed, and these seem neither to require nor to justify any further inquisition into the state of persons or things on board of vessels so situated, than may be indispensable to enforce the observance of the municipal law of the colony, and the proper regulation of its harbours and waters. A strict and careful attention to these rules, applied in good faith to all transactions as they arise, will, I hope and believe, without any abandonment of great general principles, lead to the avoidance of any excitement or agitation on this very sensitive subject of slavery, and consequently of those irritating feelings which may have a tendency to bring into peril all the great interests connected with the maintenance of peace.

I further trust that friendly sentiments, and the conviction of the importance of cherishing them, will on all occasions lead the two countries to consider favourably any further arrangements which may be judged necessary for the reciprocal protection of their interests.

I hope, Sir, that this explanation on this very important subject will be satisfactory to the President, and that he will see in it no diminution of that earnest desire which you have been pleased to recognize in me to perform my work of reconciliation and friendship, but that he will rather perceive in my suggestion in this particular instance that it is made with a well-founded hope of thereby better attaining the object we have in view.

I am, &c.,
(Signed) ASHBURTON.

No. 3.

Mr. Webster to Lord Ashburton.

Department of State,
Washington, August 8, 1842.

My Lord,

I HAVE the honour to acknowledge the receipt of your Lordship's note of the 6th instant, in answer to mine of the 1st, upon the subject of a stipulation for the better security of American vessels driven by accident or carried by force into the British West India ports.

The President would have been gratified if you had felt yourself at liberty to proceed at once to consider of some proper arrangement, by a

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formal treaty, for this object; but there may be weight in the reasons which you urge for referring such mode of stipulation for consideration in London.

The President places his reliance on those principles of public law which were stated in my note to your Lordship, and which are regarded as equally well founded and important; and on your Lordship's engagement, that instructions shall be given to the Governors of Her Majesty's colonies to execute their own laws with careful attention to the wish of their Government to maintain good neighbourhood; and that there shall be no officious interference with American vessels driven by accident or by violence into those ports. That the laws and duties of hospitality shall be executed, and that these seem neither to require nor to justify any further inquisition into the state of persons or things on board of vessels so situated, than may be indispensable to enforce the observance of the municipal law of the colony, and the proper regulation of its harbours and waters. He indulges the hope, nevertheless, that, actuated by a just sense of what is due to the mutual interests of the two countries, and the maintenance of a permanent peace between them, Her Majesty's Government will not fail to see the importance of removing, by such further stipulations, by treaty or otherwise, as may be found to be necessary, all cause of complaint connected with this subject.

I have, &c.,
(Signed) DANIEL WEBSTER.

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CORRESPONDENCE

BETWEEN

LORD ASHBURTON AND MR. WEBSTER,

RESPECTING THE

CASE OF THE STEAM BOAT "CAROLINE."

No. 1.

Mr. Webster to Lord Ashburton.

Department of State,
Washington, July 27, 1842.

My Lord,

IN relation to the case of the "Caroline," which we have heretofore made the subject of conference, I have thought it right to place in your hands an extract of a letter from this department to Mr. Fox, of the 24th of April, 1841, and an extract from the message of the President of the United States to Congress at the commencement of the present session. These papers, you have no doubt already seen; but they are, nevertheless, now communicated, as such communication is considered a ready mode of presenting the view which this Government entertains of the destruction of that vessel.

The act of which the Government of the United States complains is not to be considered as justifiable or unjustifiable, as the question of the lawfulness or unlawfulness of the employment in which the "Caroline" was engaged, may be decided the one way or the other. That act is of itself a wrong and an offence to the sovereignty and dignity of the United States, being a violation of their soil and territory; a wrong, for which to this day, no atonement or even apology has been made by Her Majesty's Government.

Your Lordship cannot but be aware that self-respect, the consciousness of independence and national equality, and a sensitiveness to whatever may touch the honour of the country,—a sensitiveness which this Government will ever feel and ever cultivate,—make this a matter of high importance; and I must be allowed to ask for it your Lordship's grave consideration.

I have, &c.,
(Signed) DANL. WEBSTER.

Inclosure 1 in No. 1.

Extract of a letter from Mr. Webster to Mr. Fox, dated April 24, 1841.

THE Undersigned has now to signify to Mr. Fox, that the Government of the United States has not changed the opinion which it has heretofore expressed to Her Majesty's Government, of the character of the act of destroying the "Caroline."

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It does not think that that transaction can be justified by any reasonable application or construction of the right of self-defence, under the laws of nations. It is admitted that a just right of self-defence attaches always to nations as well as to individuals, and is equally necessary for the preservation of both. But the extent of this right is a question to be judged of by the circumstances of each particular case; and when its alleged exercise has led to the commission of hostile acts within the territory of a Power at peace, nothing less than a clear and absolute necessity can afford ground of justification. Not having, up to this time, been made acquainted with the views and reasons, at length, which have led Her Majesty's Government to think the destruction of the "Caroline" justifiable as an act of self-defence, the Undersigned, earnestly renewing the remonstrance of this Government against the transaction, abstains, for the present, from any extended discussion of the question. But it is deemed proper, nevertheless, not to omit to take some notice of the general grounds of justification stated by Her Majesty's Government, on their instruction to Mr. Fox.

Her Majesty's Government have instructed Mr. Fox to say, that they are of opinion that the transaction which terminated in the destruction of the "Caroline" was a justifiable employment of force, for the purpose of defending the British territory from the unprovoked attack of a band of British rebels and American pirates, who having been "permitted" to arm and organize themselves within the territory of the United States, had actually invaded a portion of the territory of Her Majesty.

The President cannot suppose that Her Majesty's Government, by the use of these terms, meant to be understood as intimating that these acts, violating the laws of the United States and disturbing the peace of the British territories, were done under any degree of countenance from this Government, or were regarded by it with indifference; or that, under the circumstances of the case, they could have been prevented by the ordinary course of proceeding. Although he regrets that, by using the term "permitted" a possible inference of that kind might be raised, yet such an inference the President is willing to believe would be quite unjust to the intentions of the British Government.

That, on a line of frontier such as separates the United States from Her Britannic Majesty's North American provinces—a line long enough to divide the whole of Europe into halves—irregularities, violence, and conflicts, should sometimes occur, equally against the will of both Governments, is certainly easily to be supposed. This may be more possible, perhaps, in regard to the United States, without any reproach to their Government, since their institutions entirely discourage the keeping up of large standing armies in time of peace, and their situation happily exempts them from the necessity of maintaining such expensive and dangerous establishments. All that can be expected from either Government, in these cases, is good faith, a sincere desire to preserve peace and do justice, the use of all proper means of prevention; and that, if offences cannot nevertheless, be always prevented, the offenders shall still be justly punished. In all these respects this Government acknowledges no delinquency in the performance of its duties.

Her Majesty's Government are pleased, also, to speak of those American citizens who took part with persons in Canada engaged in an insurrection against the British Government as "American pirates." The Undersigned does not admit the propriety or justice of this designation. If citizens of the United States fitted out, or were engaged in fitting out, a military expedition from the United States, intended to act against the British Government in Canada, they were clearly violating the laws of their own country, and exposing themselves to the just consequences which might be inflicted on them, if taken within the British dominions. But, notwithstanding this, they were certainly not pirates, nor does the Undersigned think that it can advance the purpose of fair and friendly discussion, or hasten the accommodation of national difficulties, so to denominate them. Their offence, whatever it was, had no analogy to cases of piracy. Supposing all that is alleged against them to be true, they were taking a part in what they regarded as a civil war, and they

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were taking a part on the side of the rebels. Surely England herself has not regarded persons thus engaged as deserving the appellation which Her Majesty's Government bestows on these citizens of the United States.

It is quite notorious that, for the greater part of the last two centuries, subjects of the British Crown have been permitted to engage in foreign wars, both national and civil, and in the latter in every stage of their progress; and yet it has not been imagined that England has at any time allowed her subjects to turn pirates. Indeed, in our own times, not only have individual subjects of that Crown gone abroad to engage in civil wars, but we have seen whole regiments openly recruited, imbodied, armed, and disciplined, in England, with the avowed purpose of aiding a rebellion against a nation with which England was at peace; although it is true that, subsequently, an Act of Parliament was passed to prevent transactions so nearly approaching to public war, without license from the Crown.

It may be said that there is a difference between the case of a civil war arising from a disputed succession, or a protracted revolt of a colony against the mother country, and the case of the fresh outbreak or commencement of a rebellion. The Undersigned does not deny that such distinction may, for certain purposes, be deemed well founded. He admits that a Government, called upon to consider its own rights, interests, and duties, when civil wars break out in other countries, may decide on all the circumstances of the particular case upon its own existing stipulations, on probable results, on what its own security requires, and on many other considerations. It may be already bound to assist one party, or it may become bound, if it so chooses, to assist the other, and to meet the consequences of such assistance.

But whether the revolt be recent or long continued they who join those concerned in it, whatever may be their offence against their own country, or however they may be treated, if taken with arms in their hands in the territory of the Government against which the standard of revolt is raised, cannot be denominated pirates, without departing from all ordinary use of language in the definition of offences. A cause which has so foul an origin as piracy cannot, in its progress, or by its success, obtain a claim to any degree of respectability or tolerance among nations; and civil wars, therefore, are not understood to have such a commencement.

It is well known to Mr. Fox, that authorities of the highest eminence in England, living and dead, have maintained that the general law of nations does not forbid the citizens or subjects of one Government from taking part in the civil commotions of another. There is some reason, indeed, to think that such may be the opinion of Her Majesty's Government at the present moment.

The Undersigned has made these remarks from the conviction that it is important to regard established distinctions, and to view the acts and offences of individuals in the exactly proper light. But it is not to be inferred that there is, on the part of this Government, any purpose of extenuating, in the slightest degree, the crimes of those persons, citizens of the United States, who have joined in military expeditions against the British Government in Canada. On the contrary, the President directs the Undersigned to say that it is his fixed resolution that all such disturbers of the national peace, and violators of the laws of their country, shall be brought to exemplary punishment. Nor will the fact that they are instigated and led on to these excesses by British subjects, refugees from the provinces, be deemed any excuse or palliation; although it is well worthy of being remembered, that the prime movers of these disturbances on the borders are subjects of the Queen, who come within the territories of the United States, seeking to enlist the sympathies of their citizens, by all the motives which they are able to address to them, on account of grievances, real or imaginary. There is no reason to believe that the design of any hostile movement from the United States against Canada has commenced with citizens of the United States. The true origin of such purposes and such enterprizes is on the other side of the line.

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But the President's resolution to prevent these transgressions of the laws is not, on that account, the less strong. It is taken, not only in conformity to his duty, under the provisions of existing laws, but in full consonance with the established principles and practice of this Government.

The Government of the United States has not, from the first, fallen into the doubts, elsewhere entertained, of the true extent of the duties of neutrality. It has held that, however it may have been in less enlightened ages, the just interpretation of the modern law of nations is, that neutral States are bound to be strictly neutral; and that it is a manifest and gross impropriety for individuals to engage in the civil conflicts of other States, and thus to be at war while their Government is at peace. War and peace are high national relations, which can properly be established or changed only by nations themselves.

The United States have thought, also, that the salutary doctrine of non-intervention by one nation with the affairs of others is liable to be essentially impaired, if while Government refrains from interference, interference is still allowed to its subjects, individually or in masses. It may happen, indeed, that persons choose to leave their country, emigrate to other regions, and settle themselves on uncultivated lands in territories belonging to other States. This cannot be prevented by Governments which allow the emigration of their subjects and citizens; and such persons, having voluntarily abandoned their own country, have no longer claim to its protection, nor is it longer responsible for their acts. Such cases, therefore, if they occur, show no abandonment of the duty of neutrality.

The Government of the United States has not considered it as sufficient to confine the duties of neutrality and non-interference to the case of Governments whose territories lie adjacent to each other. The application of the principle may be more necessary in such cases, but the principle itself they regard as being the same, if those territories be divided by half the globe. The rule is founded in the impropriety and danger of allowing individuals to make war on their own authority, or, by mingling themselves in the belligerent operations of other nations, to run the hazard of counteracting the policy or embroiling the relations of their own Government. And the United States have been the first among civilized nations to enforce the observance of this just rule of neutrality and peace, by special and adequate legal enactments. In the infancy of this Government, on the breaking out of the European wars which had their origin in the French Revolution, Congress passed laws, with severe penalties, for preventing the citizens of the United States from taking part in those hostilities.

By these laws it prescribed to the citizens of the United States what it understood to be their duty as neutrals, by the law of nations, and the duty also which they owed to the interest and honour of their own country.

At a subsequent period, when the American colonies of an European Power took up arms against their Sovereign, Congress, not diverted from the established system of the Government by any temporary considerations, not swerved from its sense of justice and of duty by any sympathies which it might naturally feel for one of the parties, did not hesitate also to pass acts applicable to the case of colonial insurrection and civil war. And these provisions of law have been continued, revised, amended, and are in full force at the present moment. Nor have they been a dead letter, as it is well known that exemplary punishments have been inflicted on those who have transgressed them. It is known, indeed, that heavy penalties have fallen on individuals (citizens of the United States) engaged in this very disturbance in Canada with which the destruction of the "Caroline" was connected. And it is in Mr. Fox's knowledge also, that the Act of Congress of 10th March, 1838, was passed for the precise purpose of more effectually restraining military enterprises from the United States into the British provinces, by authorizing the use of the most sure and decisive preventive means. The Undersigned may add, that it stands on the admission of very high British authority, that during

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the recent Canadian troubles, although bodies of adventurers appeared on the border, making it necessary for the people of Canada to keep themselves in a state prepared for self-defence, yet that these adventurers were acting by no means in accordance with the feeling of the great mass of the American people or of the Government of the United States.

This Government, therefore, not only holds itself above reproach in everything respecting the preservation of neutrality, the observance of the principle of non-intervention, and the strictest conformity, in these respects, to the rules of international law, but it doubts not that the world will do it the justice to acknowledge that it has set an example not unfit to be followed by others; and that, by its steady legislation on this most important subject, it has done something to promote peace and good neighbourhood among nations, and to advance the civilization of mankind.

The Undersigned trusts that, when Her Britannic Majesty's Government shall present the grounds, at length, on which they justify the local authorities of Canada in attacking and destroying the "Caroline," they will consider that the laws of the United States are such as the Undersigned has now represented them, and that the Government of the United States has always manifested a sincere disposition to see those laws effectually and impartially administered. If there have been cases in which individuals, justly obnoxious to punishment, have escaped, this is no more than happens in regard to other laws.

Under these circumstances, and under those immediately connected with the transaction itself, it will be for Her Majesty's Government to show upon what state of facts, and what rules of national law, the destruction of the "Caroline" is to be defended. It will be for that Government to show a necessity of self-defence, instant, overwhelming, leaving no choice of means, and no moment for deliberation. It will be for it to show also that the local authorities of Canada, even supposing the necessity of the moment authorized them to enter the territories of the United States at all, did nothing unreasonable or excessive, since the act, justified by the necessity of self-defence, must be limited by that necessity, and kept clearly within it. It must be shown that admonition or remonstrance to the persons on board the "Caroline" was impracticable, or would have been unavailing. It must be shown that daylight could not be waited for; that there could be no attempt at discrimination between the innocent and the guilty; that it would not have been enough to seize and detain the vessel; but that there was a necessity, present and inevitable, for attacking her in the darkness of the night, while moored to the shore, and while unarmed men were asleep on board, killing some and wounding others, and then drawing her into the current above the cataract, setting her on fire, and careless to know whether there might not be in her the innocent with the guilty, or the living with the dead, committing her to a fate which fills the imagination with horror. A necessity for all this, the Government of the United States cannot believe to have existed.

All will see that if such things be allowed to occur, they must lead to bloody and exasperated war. And when an individual comes into the United States from Canada, and to the very place on which this drama was performed, and there chooses to make public and vain-glorious boast of the part he acted in it, it is hardly wonderful that great excitement should be created, and some degree of commotion arise.

This republic does not wish to disturb the tranquillity of the world; its object is peace, its policy peace. It seeks no aggrandisement by foreign conquest, because it knows that no foreign acquisitions could augment its power and importance so rapidly as they are already advancing by its own natural growth, under the propitious circumstances of its situation. But it cannot admit that its Government has not both the will and the power to preserve its own neutrality, and to enforce the observance of its own laws upon its own citizens. It is jealous of its rights, and among others, and most especially, of the right of the absolute immunity of its territory against aggression from abroad; and these rights it is the duty and determination of this Government fully and at all times to maintain, while it will at the same time as scrupulously refrain from infringing on the rights of others.

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The President instructs the Undersigned to say, in conclusion, that he confidently trusts that this, and all other questions of difference between the two Governments, will be treated by both in the full exercise of such a spirit of candour, justice, and mutual respect, as shall give assurance of the long continuance of peace between the two countries.

Inclosure 2 in No. 1.

Extract from the Message of the President to Congress at the commencement of its present session.

I REGRET that it is not in my power to make known to you an equally satisfactory conclusion in the case of the "Caroline" steamer, with the circumstances connected with the destruction of which, in December, 1837, by an armed force fitted out in the province of Upper Canada, you are already made acquainted. No such atonement as was due for the public wrong done to the United States by this invasion of her territory, so wholly irreconcileable with her rights as an independent Power, has yet been made. In the view taken by this Government, the inquiry whether the vessel was in the employment of those who were prosecuting an unauthorized war against that province, or was engaged by the owner in the business of transporting passengers to and from Navy Island, in hopes of private gain, which was most probably the case, in no degree alters the real question at issue between the two Governments. This Government can never concede to any foreign Government the power, except in a case of the most urgent and extreme necessity, of invading its territory, either to arrest the persons or destroy the property of those who may have violated the municipal laws of such foreign Government, or have disregarded their obligations arising under the law of nations. The territory of the United States must be regarded as sacredly secure against all such invasions, until they shall voluntarily acknowledge inability to acquit themselves of their duties to others; and, in announcing this sentiment, I do but affirm a principle which no nation on earth would be more ready to vindicate, at all hazards, than the people and Government of Great Britain. If, upon a full investigation of all the facts, it shall appear that the owner of the "Caroline" was governed by a hostile intent, or had made common cause with those who were in the occupancy of Navy Island, then, so far as he is concerned, there can be no claim to indemnity for the destruction of his boat, which this Government would feel itself bound to prosecute, since he would have acted not only in derogation of the rights of Great Britain, but in clear violation of the laws of the United States. But that is a question which, however settled, in no manner involves the higher consideration of the violation of territorial sovereignty and jurisdiction. To recognize it as an admissible practice, that each Government, in its turn, upon any sudden and unauthorized outbreak, which on a frontier the extent of which renders it impossible for either to have an efficient force on every mile of it, and which outbreak, therefore, neither may be able to suppress in a day, may take vengeance into its own hands, and without even a remonstrance, and in the absence of any pressing or overruling necessity, may invade the territory of the other, would inevitably lead to results equally to be deplored by both. When border collisions come to receive the sanction or to be made on the authority of either Government, general war must be the inevitable result. While it is the ardent desire of the United States to cultivate the relations of peace with all nations, and to fulfil all the duties of good neighbourhood towards those who possess territories adjoining their own, that very desire would lead them to deny the right of any foreign Power to invade their boundary with an armed force. The correspondence between the two Governments on this subject will, at a future day of your session, be submitted to your consideration;

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and, in the mean time, I cannot but indulge the hope that the British Government will see the propriety of renouncing, as a rule of future action, the precedent which has been set in the affair at Schlosser.

No. 2.

Lord Ashburton to Mr. Webster.

Sir, *Washington, July* 28, 1842.

IN the course of our conferences on the several subjects of difference which it was the object of my mission to endeavour to settle, the unfortunate case of the "Caroline," with its attendant consequences, could not escape our attention; for although it is not of a description to be susceptible of any settlement by a convention or treaty, yet being connected with the highest considerations of national honour and dignity, it has given rise at times to deep excitement, so as more than once to endanger the maintenance of peace.

The note you did me the honour of addressing me the 27th instant, reminds me that however disposed your Government might be to be satisfied with the explanations which it has been my duty to offer, the natural anxiety of the public mind requires that these explanations should be more durably recorded in our correspondence, and you send me a copy of your note to Mr. Fox, Her Britannic Majesty's Minister here, and an extract from the speech of the President of the United States to Congress at the opening of the present session, as a ready mode of presenting the view entertained on this subject by the Government of the United States.

It is so far satisfactory to perceive that we are perfectly agreed as to the general principles of international law applicable to this unfortunate case. Respect for the inviolable character of the territory of independent nations is the most essential foundation of civilization. It is useless to strengthen a principle so generally acknowledged by any appeal to authorities on international law, and you may be assured, Sir, that Her Majesty's Government set the highest possible value on this principle, and are sensible of their duty to support it by their conduct and example for the maintenance of peace and order in the world. If a sense of moral responsibility were not a sufficient surety for their observance of this duty towards all nations, it will be readily believed that the most common dictates of interest and policy would lead to it in the case of a long conterminous boundary of some thousand miles with a country of such great and growing power as the United States of America, inhabited by a kindred race, gifted with all its activity and all its susceptibility on points of national honour.

Every consideration therefore leads us to set as highly as your Government can possibly do, this paramount obligation of reciprocal respect for the independent territory of each. But, however strong this duty may be, it is admitted by all writers, by all jurists, by the occasional practice of all nations, not excepting your own, that a strong overpowering necessity may arise when this great principle may and must be suspended. It must be so, for the shortest possible period during the continuance of an admitted overruling necessity, and strictly confined within the narrowest limits imposed by that necessity. Self-defence is the first law of our nature, and it must be recognized by every code which professes to regulate the condition and relations of man. Upon this modification, if I may so call it, of the great general principle, we seem also to be agreed; and on this part of the subject I have done little more than repeat the sentiments, though in less forcible language, admitted and maintained by you in the letter to which you refer me.

Agreeing, therefore, on the general principle and on the possible exception to which it is liable, the only question between us is, whether this occurrence came within the limits fairly to be assigned to such exceptions: whether, to use your words, there was "that necessity of self-defence, instant, overwhelming, leaving no choice of means" which preceded the destruction of the "Caroline" while moored to the shore of the United

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States? Give me leave, Sir, to say, with all possible admiration of your very ingenious discussion of the general principles which are supposed to govern the right and practice of interference by the people of one country in the wars and quarrels of others, that this part of your argument is little applicable to our immediate case. If Great Britain, America, or any other country suffer their people to fit out expeditions to take part in distant quarrels, such conduct may, according to the circumstances of each case, be justly matter of complaint, and, perhaps, these transactions have generally been in late times too much overlooked or connived at. But the case we are considering is of a wholly different description, and may be best determined by answering the following question. Supposing a man, standing on ground where you have no legal right to follow him, has a weapon long enough to reach you, and is striking you down and endangering your life, how long are you bound to wait for the assistance of the authority having the legal power to relieve you? Or, to bring the facts more immediately home to the case, If cannon are moving and setting up in a battery which can reach you, and are actually destroying life and property by their fire; if you have remonstrated for some time without effect, and see no prospect of relief, when begins your right to defend yourself, should you have no other means of doing so than by seizing your assailant on the verge of a neutral territory?

I am unwilling to recall to your recollection the particulars of this case, but I am obliged very shortly to do so to show what was at the time the extent of the existing justification, for upon this entirely depends the questions whether a gross insult has or has not been offered to the Government and people of the United States.

After some tumultuous proceedings in Upper Canada, which were of short duration and were suppressed by the militia of the country, the persons criminally concerned in them took refuge in the neighbouring State of New York, and, with a very large addition to their numbers, openly collected, invaded the Canadian territory, taking possession of Navy Island.

This invasion took place the 16th of December, 1837, a gradual accession of numbers and of military ammunition continued openly, and though under the sanction of no public authority, at least with no public hindrance, until the 29th of the same month, when several hundred men were collected, and twelve pieces of ordnance, which could only have been procured from some public store or arsenal, were actually mounted on Navy Island, and were used to fire within easy range upon the unoffending inhabitants of the opposite shore. Remonstrances wholly ineffectual were made; so ineffectual, indeed, that a militia regiment, stationed on the neighbouring American island, looked on without any attempt at interference, while shots were fired from the American island itself. This important fact stands on the best American authority, being stated in a letter to Mr. Forsyth, of the 6th February, 1838, of Mr. Benton, attorney of the United States, the gentleman sent by your Government to inquire into the facts of the case, who adds, very properly, that he makes the statement "with deep regret and mortification."

This force, formed of all the reckless and mischievous people of the border, formidable from their numbers and from their armament, had in their pay and as part of their establishment this steam-boat "Caroline," the important means and instrument by which numbers and arms were hourly increasing. I might safely put it to any candid man, acquainted with the existing state of things, to say whether the military commander in Canada had the remotest reason, on the 29th day of December, to expect to be relieved from this state of suffering by the protective intervention of any American authority. How long could a Government, having the paramount duty of protecting its own people, be reasonably expected to wait for what they had then no reason to expect? What would have been the conduct of American officers? What has been their conduct under circumstances much less aggravated? I would appeal to you, Sir, to say whether the facts which you say would alone justify the act, viz.: "a necessity of self-defence, instant, overwhelming, leaving no choice of means and no moment for deliberation," were not applicable to this case in as high a degree as they ever were to any case of a similar description in the history of nations.

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Nearly five years are now past since this occurrence, there has been time for the public to deliberate upon it calmly, and I believe I may take it to be the opinion of candid and honourable men, that the British officers who executed this transaction, and their Government who approved it, intended no slight or disrespect to the sovereign authority of the United States. That they intended no such disrespect I can most solemnly affirm, and I trust it will be admitted that no inference to the contrary can fairly be drawn, even by the most susceptible on points of national honour.

Notwithstanding my wish that the explanations I had to make might not revive, in any degree, any feelings of irritation, I do not see how I could treat this subject without this short recital of facts; because the proof that no disrespect was intended is mainly to be looked for in the extent of the justification.

There remains only a point or two which I should wish to notice, to remove, in some degree, the impression which your rather highly coloured description of this transaction is calculated to make. The mode of telling a story often tends to distort facts, and in this case, more than any other, it is important to arrive at plain unvarnished truth.

It appears from every account, that the expedition was sent to capture the "Caroline," when she was expected to be found on the British ground of Navy Island, and that it was only owing to the orders of the rebel leader being disobeyed that she was not so found. When the British officer came round the point of the island in the night, he first discovered that the vessel was moored to the other shore. He was not by this deterred from making the capture, and his conduct was approved. But you will perceive that there was here most decidedly the case of justification mentioned in your note, that there should be "no moment left for deliberation." I mention this circumstance to show also that the expedition was not planned with a premeditated purpose of attacking the enemy within the jurisdiction of the United States, but that the necessity of so doing arose from altered circumstances at the moment of execution.

I have only further to notice the highly coloured picture drawn in your note, of the facts attending the execution of this service. Some importance is attached to the attack having been made in the night, and the vessel having been set on fire and floated down the falls of the river, and it is insinuated, rather than asserted, that there was carelessness as to the lives of the persons on board. The account given by the distinguished officer who commanded the expedition distinctly refutes, or satisfactorily explains, these assertions. The time of night was purposely selected as most likely to ensure the execution with the least loss of life, and it is expressly stated, that the strength of the current not permitting the vessel to be carried off, and it being necessary to destroy her by fire, she was drawn into the stream for the express purpose of preventing injury to persons or property of the inhabitants at Schlosser.

I would willingly have abstained from a return to the facts of this transaction, my duty being to offer those explanations and assurances which may lead to satisfy the public mind, and to the cessation of all angry feeling, but it appeared to me that some explanation of parts of the case, apparently misunderstood, might be of service for this purpose.

Although it is believed that a candid and impartial consideration of the whole history of this unfortunate event will lead to the conclusion, that there were grounds of justification as strong as were ever presented in such cases, and, above all, that no slight of the authority of the United States was ever intended, yet it must be admitted, that there was, in the hurried execution of this necessary service, a violation of territory; and this I am instructed to assure you that Her Majesty's Government consider as a most serious fact, and that far from thinking that an event of this kind should be lightly risked, they would unfeignedly deprecate its recurrence. Looking back to what passed at this distance of time, what is perhaps most to be regretted, is that some explanation and apology for this occurrence was not immediately made; this, with a frank explanation of the necessity of the case, might and probably would have

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prevented much of the exasperation and of the subsequent complaints and recriminations, to which it gave rise.

There are possible cases in the relations of nations, as of individuals, where necessity, which controls all other laws, may be pleaded, but it is neither easy nor safe to attempt to define the rights or limits properly assignable to such a plea. This must always be a subject of much delicacy, and should be considered by friendly nations with great candour and forbearance. The intentions of the parties must mainly be looked to, and can it for a moment be supposed that Great Britain would intentionally and wantonly provoke a great and powerful neighbour?

Her Majesty's Government earnestly desire that a reciprocal respect for the independent jurisdiction and authority of neighbouring States may be considered among the first duties of all Governments, and I have to repeat the assurance of regret they feel that the event of which I am treating should have disturbed the harmony they so anxiously wish to maintain with the American people and Government.

Connected with these transactions there have also been circumstances of which, I believe, it is generally admitted that Great Britain has also had just ground to complain. Individuals have been made personally liable for acts done under the avowed authority of their Government, and there are now many brave men exposed to personal consequences for no other cause than having served their country. That this is contrary to every principle of international law it is useless for me to insist. Indeed it has been admitted by every authority of your Government, but owing to a conflict of laws, difficulties have intervened, much to the regret of those authorities, in giving practical effect to these principles, and for these difficulties some remedy has been by all desired. It is no business of mine to enter upon the consideration of them, nor have I sufficient information for the purpose, but I trust you will excuse my addressing to you the inquiry, whether the Government of the United States is now in a condition to secure, in effect and in practice, the principle which has never been denied in argument, that individuals acting under legitimate authority are not personally responsible for executing the orders of their Government. That the power, when it exists, will be used on every fit occasion I am well assured, and I am bound to admit that, looking through the voluminous correspondence concerning these transactions, there appears no indisposition with any of the authorities of the Federal Government, under its several administrations, to do justice in this respect in as far as their means and powers would allow.

I trust, Sir, I may now be permitted to hope that all feelings of resentment and ill-will, resulting from these truly unfortunate events, may be buried in oblivion, and that they may be succeeded by those of harmony and friendship, which it is certainly the interest and I also believe the inclination of all to promote.

I beg, Sir, &c.,
(Signed) ASHBURTON.

No. 3.

Mr. Webster to Lord Ashburton.

Department of State,
Washington, August 6, 1842.

My Lord,

YOUR Lordship's note of the 28th of July in answer to mine of the 27th of July, respecting the case of the "Caroline" has been received and laid before the President.

The President sees with pleasure that your Lordship fully admits those great principles of public law applicable to cases of this kind, which this Government has expressed; and that on your part, as on ours, respect for the inviolable character of the territory of independent States is deemed the most essential foundation of civilization. And, while it is admitted on both sides that there are exceptions to this rule, he is gratified

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to find that your Lordship admits that such exceptions must come within the limitations stated, and the terms used in a former communication from this department to the British Plenipotentiary here. Undoubtedly it is just, that while it is admitted that exceptions growing out of the great law of self-defence do exist, those exceptions should be confined to cases in which "the necessity of that self-defence is instant, overwhelming, and leaving no choice of means and no moment for deliberation."

Understanding these principles alike, the difference between the two Governments is only whether the facts in the case of the "Caroline," make out a case of such necessity for the purposes of self-defence. Seeing that the transaction is not recent, having happened in the time of one of his predecessors; seeing that your Lordship, in the name of your Government, solemnly declares that no slight or disrespect was intended to the sovereign authority of the United States; seeing that it is ackowledged that, whether justifiable or not, there was yet a violation of the territory of the United States, and that you are instructed to say that your Government consider that as a most serious occurrence; seeing, finally, that it is now admitted that an explanation and apology for this violation was due at the time; the President is content to receive these acknowledgments and assurances in the conciliatory spirit which marks your Lordship's letter, and will make this subject, as a complaint of violation of territory, the topic of no further discussion between the two Governments.

As to that part of your Lordship's note which relates to other occurrences springing out of the case of the "Caroline," with which occurrences the name of Alexander Mc Leod has become connected, I have to say that the Government of the United States entirely adheres to the sentiments and opinions expressed in the communication from this department to Mr. Fox.

This Government has admitted, that for an act committed by the command of his Sovereign, *jure belli*, an individual cannot be responsible in the ordinary Courts of another State. It would regard it as a high indignity if a citizen of its own, acting under its authority, and by its special command in such cases, were held to answer in a municipal tribunal, and to undergo punishment, as if the behest of his Government were no defence or protection to him.

But your Lordship is aware that in regular constitutional Governments, persons arrested on charges of high crimes can only be discharged by some judicial proceeding. It is so in England; it is so in the colonies and provinces of England. The forms of judicial proceeding differ in different countries, being more rapid in some and more dilatory in others; and it may be added, generally more dilatory, or at least more cautious in cases affecting life, in Governments of a strictly limited, than in those of a more unlimited character. It was a subject of regret that the release of Mc Leod was so long delayed. A State Court, and that not of the highest jurisdiction, decided that on summary application embarrassed, as it would appear, by technical difficulties, he could not be released by that Court. His discharge shortly afterwards by a jury, to whom he preferred to submit his case, rendered unnecessary the further prosecution of the legal question. It is for the Congress of the United States, whose attention has been called to the subject, to say what further provisions ought to be made to expedite proceedings in such cases; and in answer to your Lordship's questions, towards the close of your note, I have to say that the Government of the United States holds itself, not only fully disposed, but fully competent, to carry into practice every principle which it avows or acknowledges, and to fulfil every duty and obligation which it owes to foreign Governments, their citizens or subjects.

I have, &c.,

(Signed) DANIEL WEBSTER.

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Bill to provide further Remedial Justice in the Courts of the United States.

No. 1.

Mr. Webster to Lord Ashburton.

Department of State,
Washington, August 29, 1842.

My Lord,

I HAVE the honour to inclose a copy of the bill "To provide further Remedial Justice, &c., &c.," as it has passed through both Houses.

I am, &c.,
(Signed) DANIEL WEBSTER.

Inclosure in No. 1.

In the House of Representatives.—July 9, 1842.

Read twice and referred to the Committee on the Judiciary.

An Act to provide further Remedial Justice in the Courts of the United States.

BE IT ENACTED by the Senate and House of Representatives of the United States of America in Congress assembled, That either of the justices of the Supreme Court of the United States, or a judge of any district Court of the United States, in which a prisoner is confined, in addition to the authority already conferred by law, shall have power to grant writs of *habeas corpus* in all cases of any prisoner or prisoners in jail or confinement, where he, she, or they, being subjects or citizens of a foreign State, and domiciled therein, shall be committed or confined, or in custody, under or by any authority or law, or process founded thereon, of the United States, or of any one of them, for or on account of any act done or omitted under any alleged right, title, authority, privilege, protection, or exemption, set up or claimed under the commission, or order, or sanction, of any foreign State or Sovereignty, the validity and effect whereof depend upon the law of nations, or under colour thereof. And upon the return of the said writ, and due proof of the service of notice of the said proceeding to the Attorney-General or other officer prosecuting the pleas of the State under whose authority the petitioner has been arrested, committed, or is held in custody, to be prescribed by the said justice or judge at the time of granting said writ, the said justice or judge shall proceed to hear the said cause; and if, upon hearing the same, it shall appear that the prisoner or prisoners is or are entitled to be

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discharged from such confinement, commitment, custody, or arrest, for or by reason of such alleged right, title, authority, privileges, protection, or exemption, so set up and claimed, and the law of nations applicable thereto, and that the same exists in fact, and has been duly proved to the said justice or judge, then it shall be the duty of the said justice or judge forthwith to discharge such prisoner or prisoners accordingly. And if it shall appear to the said justice or judge that such judgment of discharge ought not to be rendered, then the said prisoner or prisoners shall be forthwith remanded: Provided always, That from any decision of such justice or judge an appeal may be taken to the circuit court of the United States for the district in which the said cause is heard; and from the judgment of the said circuit court to the Supreme Court of the United States, on such terms and under such regulations and orders, as well for the custody and appearance of the prisoner or prisoners, as for sending up to the appellate tribunal a transcript of the petition, writ of *habeas corpus* returned thereto, and other proceedings, as the judge hearing the said cause may prescribe; and pending such proceedings or appeal, and until final judgment be rendered therein, and after final judgment of discharge in the same, any proceeding against said prisoner or prisoners, in any State court, or by or under the authority of any State, for any matter or thing so heard and determined, or in process of being heard and determined, under and by virtue of such writ of *habeas corpus*, shall be deemed null and void.

Passed the Senate, July 8, 1842.

Attest: ASBURY DICKINS,
Secretary.

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CORRESPONDENCE

BETWEEN

LORD ASHBURTON AND MR. WEBSTER,

RESPECTING

IMPRESSMENT.

No. 1.

Mr. Webster to Lord Ashburton.

Department of State,
Washington, August 8, 1842.

My Lord,

WE have had several conversations on the subject of impressment; but I do not understand that your Lordship has instructions from your Government to negotiate upon it, nor does the Government of the United States see any utility in opening such negotiation, unless the British Government is prepared to renounce the practice in all future wars.

No cause has produced to so great an extent, and for so long a period, disturbing and irritating influences on the political relations of the United States and England, as the impressment of seamen by British cruizers from American merchant vessels.

From the commencement of the French Revolution to the breaking out of the war between the two countries in 1812, hardly a year elapsed without loud complaint and earnest remonstrance; a deep feeling of opposition to the right claimed, and to the practice exercised under it, and not unfrequently exercised without the least regard to what justice and humanity would have dictated, even if the right itself had been admitted, took possession of the public mind of America, and this feeling, it is well known, co-operated most powerfully with other causes to produce the state of hostilities which ensued.

At different periods, both before and since the war, negotiations have taken place between the two Governments, with the hope of finding some means of quieting these complaints. At some times the effectual abolition of the practice has been requested and treated of; at other times its temporary suspension; and at other times again the limitation of its exercise and some security against its enormous abuses.

A common destiny has attended these efforts; they have all failed; the question stands at this moment where it stood fifty years ago. The nearest approach to a settlement was a convention, proposed in 1803, and which had come to the point of signature, when it was broken off, in consequence of the British Government insisting that the *narrow seas* should be expressly excepted out of the sphere over which the contemplated stipulation against impressment should extend. The American Minister, Mr. King, regarded this exception as quite inadmissible, and chose rather to abandon the negotiation than to acquiesce in the doctrine which it proposed to establish.

England asserts the right of impressing British subjects, in time of

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war, out of neutral merchant vessels, and of deciding by her visiting officers who, among the crews of such merchant vessels, are British subjects. She asserts this as a legal exercise of the prerogative of the Crown, which prerogative is alleged to be founded on the English law of the perpetual and indissoluble allegiance of the subject, and his obligation under all circumstances, and for his whole life, to render military service to the Crown whenever required.

This statement made in the words of eminent British jurists shows at once that the English claim is far broader than the basis or platform on which it is raised. The law relied on is English law, the obligations insisted on are obligations existing between the Crown of England and its subjects. This law and these obligations, it is admitted, may be such as England may choose they shall be; but then they must be confined to the parties. Impressment of seamen out of and beyond English territory, and from on board the ships of other nations, is an interference with the rights of other nations; is further, therefore, than English prerogative can legally extend; and is nothing but an attempt to enforce the peculiar law of England beyond the dominions and jurisdiction of the Crown. The claim asserts an extra-territorial authority for the law of British prerogative; and assumes to exercise this extra-territorial authority to the manifest injury and annoyance of the citizens and subjects of other States on board their own vessels on the high seas.

Every merchant vessel on the seas is rightfully considered as part of the territory of the country to which it belongs. The entry, therefore, into such vessel being neutral, by a belligerent, is an act of force, and is *primâ facie* a wrong, a trespass, which can be justified only when done for some purpose, allowed to form a sufficient justification by the law of nations. But a British cruizer enters an American merchant vessel, in order to take therefrom supposed British subjects, offering no justification therefor, under the law of nations, but claiming the right under the law of England respecting the king's prerogative; this cannot be defended. English soil, English territory, English jurisdiction, is the appropriate sphere for the operation of English law. The ocean is the sphere of the law of nations, and by that law every merchant vessel on the seas is under the protection of the laws of her own nation, and may claim immunity unless in cases in which that law allows her to be entered and visited.

If this notion of perpetual allegiance, and the consequent power of the prerogative, was the law of the world; if it formed part of the conventional code of nations, and was usually practised like the right of visiting neutral ships, for the purpose of discovering and seizing enemy property, then impressment might be defended as a common right, and there would be no remedy for the evils till the national code should be altered; but this is by no means the case. There is no such principle incorporated into the code of nations. The doctrine stands only as English law, not as national law, and English law cannot be of force beyond English dominion. Whatever duties or relations that law creates between the sovereign and his subjects, can be enforced and maintained only within the realm, or proper possessions, or territory of the sovereign. There may be quite as just a prerogative right to the property of subjects as to their personal services in an exigency of the State; but no Government thinks of controlling, by its own laws, property of its subjects situated abroad; much less does any Government think of entering the territory of another Power for the purpose of seizing such property and applying it to its own uses. As laws, the prerogatives of the Crown of England have no obligation on persons or property domiciled or situated abroad.

"When therefore," says an authority not unknown or unregarded on either side of the Atlantic, "we speak of the right of a State to bind its own native subjects everywhere, we speak only of its own claim and exercise of sovereignty over them, when they return within its own territorial jurisdiction, and not of its right to compel or require obedience to such laws on the part of other nations within their own territorial sovereignty. On the contrary, every nation has an exclusive right to regulate

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persons and things within its own territory according to its own sovereign will and public polity."

The good sense of these principles, their remarkable pertinency to the subject now under consideration, and the extraordinary consequences resulting from the British doctrine, are signally manifested by that which we see taking place every day. England acknowledges herself overburdened with population of the poorer classes, Every instance of the emigration of persons of those classes is regarded by her as a benefit. England therefore encourages emigration; means are notoriously supplied to emigrants, to assist their conveyance, from public funds; and the New World, and most especially these United States, receive the many thousands of her subjects, thus ejected from the bosom of their native land by the necessities of their condition. They come away from poverty and distress in overcrowded cities, to seek employment, comfort, and new homes, in a country of free institutions, possessed by a kindred race, speaking their own language, and having laws and usages, in many respects like those to which they have been accustomed; and a country which upon the whole is found to possess more attractions for persons of their character and condition than any other on the face of the globe. It is stated that in the quarter of the year, ending with June last, more than 26,000 emigrants left the single port of Liverpool for the United States, being four or five times as many as left the same port within the same period for the British Colonies and all other parts of the world. Of these crowds of emigrants many arrive in our cities in circumstances of great destitution, and the charities of the country both public and private are severely taxed to relieve their immediate wants. In time, they mingle with the new community in which they find themselves and seek means of living; some find employment in the cities, others go to the frontiers, to cultivate lands reclaimed from the forest; and a greater or less number of the residue becoming in time naturalized citizens, enter into the merchant service under the flag of their adopted country.

Now, my Lord, if war should break out between England and a European Power, can anything be more unjust, anything more irreconcileable to the general sentiments of mankind, than that England should seek out these persons thus encouraged by her, and compelled by their own condition, to leave their native homes, tear them away from their new employments, their new political relations, and their domestic connections, and force them to undergo the dangers and hardships of military service, for a country which has thus ceased to be their own country? Certainly, certainly, my Lord, there can be but one answer to this question. Is it not far more reasonable that England should either prevent such emigration of her subjects, or that if she encourage and promote it, she should leave them not to the embroilment of a double and a contradictory allegiance, but to their own voluntary choice, to form such relations, political or social, as they see fit, in the country where they are to find their bread, and to the laws and institutions of which they are to look for defence and protection?

A question of such serious importance ought now to be put at rest. If the United States give shelter and protection to those whom the policy of England annually casts upon their shores, if by the benign influences of their Government and institutions, and by the happy condition of the country, those emigrants become raised from poverty to comfort, finding it easy even to become landholders, and being allowed to partake in the enjoyment of all civil rights, if all this may be done, and all this is done, under the countenance and encouragement of England herself, is it not high time, my Lord, that yielding that which had its origin in feudal ideas is inconsistent with the present state of society, and especially with the intercourse and relations subsisting between the Old World and the New, England should at length formally disclaim all right to the services of such persons, and renounce all control over their conduct?

But impressment is subject to objections of a much wider range. If it could be justified in its application to those who are declared to be its only objects, it still remains true that in its exercise it touches the political rights of other Governments, and endangers the security of their own

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native subjects and citizens. The sovereignty of the State is concerned in maintaining its exclusive jurisdiction and possession over its merchant-ships on the sea, except so far as the law of nations justifies intrusion of that possession for special purposes; and all experience has shown that no member of a crew, wherever born, is safe against imprisonment when a ship is visited.

The evils and injuries resulting from the actual practice can hardly be overstated, and have ever proved themselves to be such as should lead to its relinquishment, even if it were founded on any defensible principle. The difficulty of discriminating between English subjects and American citizens has always been found to be great, even when an honest purpose of discrimination has existed. But the lieutenant of a man-of-war, having necessity for men, is apt to be a summary judge, and his decisions will be quite as significant of his own wants and his own power, as of the truth and justice of the case. An extract from a letter of Mr. King, of the 13th of April, 1797, to the American Secretary of State, shows something of the enormous extent of these wrongful seizures: "Instead of a few, and those in many instances equivocal cases, I have," says he, "since the month of July past, made application for the discharge from British men-of-war of two hundred and seventy-one seamen, who, stating themselves to be Americans, have claimed my interference. Of this number eighty-six have been ordered by the Admiralty to be discharged; thirty-seven more have been detained as British subjects or as American volunteers, or for want of proof that they are Americans; and to my applications for the discharge of the remaining one hundred and forty-eight, I have received no answer. The ships on board of which these seamen were detained having, in many instances, sailed before an examination was made, in consequence of my application."

"It is certain that some of those who have applied to me are not American citizens, but the exceptions are, in my opinion, few; and the evidence, exclusive of certificates, has been such, as in most cases, to satisfy me that the applicants were real Americans who have been forced into the British service, and who, with singular constancy, have generally persevered in refusing pay or bounty, though, in some instances, they have been in service more than two years."

But the injuries of impressment are by no means confined to its immediate subjects, or the individuals on whom it is practised. Vessels suffer from the weakening of their crews, and voyages are often delayed, and not unfrequently broken up, by subtraction from the number of necessary hands by impressment. And what is still of greater and more general moment, the fear of impressment has been found to create great difficulty in obtaining sailors for the American merchant-service, in times of European war. Seafaring men, otherwise inclined to enter into that service are, as experience has shown, deterred by the fear of finding themselves ere long in compulsory military service in British ships of war. Many instances have occurred fully established in proof, in which raw seamen, natives of the United States, fresh from the fields of agriculture, entering for the first time on shipboard, have been impressed before they made the land, placed on the decks of British men-of-war, and compelled to serve for years before they could obtain their release, or revisit their country and their homes. Such instances become known, and their effect in discouraging young men from engaging in the merchant-service of their country, can neither be doubted nor wondered at. More than all, my Lord, the practice of impressment, wherever it has existed, has produced, not conciliation and good feeling, but resentment, exasperation, and animosity, between the two great commercial countries of the world.

In the calm and quiet which have succeeded the late war, a condition so favourable for dispassionate consideration, England herself has evidently seen the harshness of impressment, even when exercised on seamen in her own merchant-service; and she has adopted measures calculated, if not to renounce the power or to abolish the practice, yet, at least, to supersede its necessity, by other means of manning the Royal Navy more compatible with justice and the rights of individuals, and far more conformable to the spirit and sentiments of the age.

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Under these circumstances the Government of the United States has used the occasion of your Lordship's pacific mission to review this whole subject, and to bring it to your notice and that of your Government. It has reflected on the past, pondered the condition of the present, and endeavoured to anticipate, so far as might be in its power, the probable future; and I am now to communicate to your Lordship the result of these deliberations.

The American Government, then, is prepared to say that the practice of impressing seamen from American vessels cannot hereafter be allowed to take place. That practice is founded on principles which it does not recognize, and is invariably attended by consequences so unjust, so injurious, and of such formidable magnitude, as cannot be submitted to.

In the early disputes between the two Governments on this so long contested topic, the distinguished person to whose hands were first intrusted the seals of this department, declared that "the simplest rule will be that the vessel being American shall be evidence that the seamen on board are such."

Fifty years' experience, the utter failure of many negotiations, and a careful reconsideration now had of the whole subject, at a moment when the passions are laid and no present interest or emergency exists to bias the judgment, have fully convinced this Government that this is not only the simplest and the best but the only rule which can be adopted and observed, consistently with the rights and honour of the United States, and the security of their citizens. That rule announces, therefore, what will hereafter be the principle maintained by their Government. In every regularly documented American merchant-vessel, the crew who navigate it will find their protection in the flag which is over them.

The announcement is not made, my Lord, to revive useless recollections of the past nor to stir the embers from fires which have been in a great degree smothered by many years of peace. Far otherwise. Its purpose is to extinguish those fires effectually before new incidents arise to fan them into flame. The communication is in the spirit of peace, and for the sake of peace, and springs from a deep and conscientious conviction that high interests of both nations require that this so long-contested and controverted subject, should now be finally put to rest. I persuade myself, my Lord, that you will do justice to this frank and sincere avowal of motives, that you will communicate your sentiments in this respect to your Government.

This letter closes, my Lord, on my part our official correspondence; and I gladly use the occasion to offer you the assurances of my high and sincere regard.

(Signed) DANIEL WEBSTER.

No. 2.

Lord Ashburton to Mr. Webster.

Sir, *Washington, August* 9, 1842.

THE note you did me the honour of addressing me the 8th instant, on the subject of impressment shall be transmitted without delay to my Government, and will, you may be assured, receive from them the deliberate attention which its importance deserves.

The object of my mission was mainly the settlement of existing subjects of difference; and no differences have, or could have, arisen of late years with respect to impressment, because the practice has, since the peace wholly ceased, and cannot, consistently with existing laws and regulations for manning Her Majesty's navy, be under present circumstances renewed.

Desirous, however, of looking far forward into futurity, to anticipate even possible causes of disagreement, and sensible of the anxiety of the American people on this grave subject of past irritation, I should be sorry

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in any way to discourage the attempt at some settlement of it; and although without authority to enter upon it here during the limited continuance of my mission, I entertain a confident hope that this task may be accomplished when undertaken with the spirit of candor and conciliation which has marked all our late negotiations.

It not being our intention to endeavour now to come to any agreement on this subject, I may be permitted to abstain from noticing at any length your very ingenious arguments relating to it, and from discussing the grave matters of constitutional and international law growing out of them. These sufficiently show that the question is one requiring calm consideration, though I must at the same time admit that they prove a strong necessity of some settlement for the preservation of that good understanding which I trust we may flatter ourselves that our joint labours have now succeeded in establishing.

I am well aware that the laws of our two countries maintain opposite principles respecting allegiance to the Sovereign. America receiving every year by thousands the emigrants of Europe, maintains the doctrine suitable to her condition, of the right of transferring allegiance at will. The laws of Great Britain have maintained from all time the opposite doctrine. The duties of allegiance are held to be indefeasible; and it is believed that this doctrine, under various modifications, prevails in most, if not in all, the civilized states of Europe. Emigration, the modern mode by which the population of the world peaceably finds its level, is for the benefit of all, and eminently for the benefit of humanity. The fertile deserts of America are gradually advancing to the highest state of cultivation and production, while the emigrant acquires comfort, which his own confined home could not afford him. If there were anything in our laws or our practice on either side tending to impede this march of providential humanity, we could not be too eager to provide a remedy: but as this does not appear to be the case, we may safely leave this part of the subject without indulging in abstract speculations, having no material practical application to matters in discussion between us.

But it must be admitted that a serious practical question does arise, or rather has existed, from practices formerly attending the mode of manning the British navy in times of war. The principle is, that all subjects of the Crown are, in case of necessity, bound to serve their country, and the sea-faring man is naturally taken for the naval service. This is not, as is sometimes supposed, any arbitrary principle of monarchical government, but one founded on the natural duty of every man to defend the life of his country; and all the analogy of your laws would lead to the conclusion that the same principle would hold good in the United States, if their geographical position did not make its application unnecessary.

The very anomalous condition of the two countries with relation to each other here creates a serious difficulty. Our people are not distinguishable, and, owing to the peculiar habits of sailors, our vessels are very generally manned from a common stock. It is difficult under these circumstances to execute laws which at times have been thought to be essential for the existence of the country, without risk of injury to others. The extent and importance of those injuries, however, are so formidable, that it is admitted that some remedy should, if possible, be applied. At all events it must be fairly and honestly attempted. It is true that during the continuance of peace no practical grievance can arise; but it is also true that it is for that reason, the proper season for the calm and deliberate consideration of an important subject. I have much reason to hope that a satisfactory arrangement respecting it may be made, so as to set at rest all apprehension and anxiety; and I will only further repeat the assurance of the sincere disposition of my Government favourably to consider all matters having for their object the promoting and maintaining undisturbed kind and friendly feelings with the United States.

I beg, Sir, &c.,

(Signed) ASHBURTON.

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NORTH AMERICAN BOUNDARY.

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CORRESPONDENCE

RELATING TO THE

BOUNDARY

BETWEEN THE

BRITISH POSSESSIONS IN NORTH AMERICA

AND THE

UNITED STATES OF AMERICA,

UNDER THE

TREATY OF 1783.

[IN CONTINUATION OF PAPERS PRESENTED TO PARLIAMENT IN 1840.]

Presented to both Houses of Parliament by Command of Her Majesty,
1843.

LONDON:

PRINTED BY T. R. HARRISON.

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PROCEEDINGS AND CORRESPONDENCE

RELATING TO

THE DISPUTED TERRITORY;

FROM

June 1840, *to October* 1841.

No. 1.

Viscount Palmerston to Mr. Fox.

Sir, *Foreign Office, June* 3, 1840.

I SEND you herewith three copies of the Report and Map presented to Her Majesty's Government by Colonel Mudge and Mr. Featherstonhaugh, the Commissioners who were employed last year to survey the Disputed Territory.

You will immediately transmit to Mr. Forsyth two copies of the Report and of the Map, saying that it is only within the last few days, that these documents have been in the hands of Her Majesty's Government; that it will, of course, be the duty of Her Majesty's Government to lay this Report before Parliament; but that Her Majesty's Government wish, as a mark of courtesy and respect towards the Government of the United States, that a document, bearing upon a question of much interest and importance to the two countries, should, in the first place, be communicated to the President. You will further state, that the British Government continues to feel an unabated desire to bring the long pending questions about the Boundary between the United States and the British possessions in North America, to a final and satisfactory settlement. Questions of this kind, while they remain open between two States, keep up irritation on both sides, and may at any time lead to events, which might endanger friendly relations.

It is obvious, that the questions still pending between the United States and the British Crown, must be beset with various and considerable inherent difficulties, or those questions would not have remained open ever since the year 1783, notwithstanding the many and earnest endeavours made by both Governments to bring them to an adjustment.

But Her Majesty's Government do not abandon the hope, that the sincere desire which is felt by those parties, to arrive at an amicable arrangement, will at length be crowned with success.

The best clue to guide the two Governments in their future proceedings, may perhaps be derived from an examination of the causes of past failure, and the most prominent among these causes has certainly been a want of information as to the topographical features and physical character of the district in dispute. This want of adequate information may be traced as one of the difficulties which embarrassed the Netherland Government in its endeavours to decide the points submitted to it in 1830.

It has been felt by the British Government, by the United States' Government, and even by the Government of the contiguous State of Maine.

The British Government and the Government of the United States agreed, therefore, two years ago, that a survey of the Disputed Territory, by a joint

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commission, would be the measure best calculated to elucidate and solve the questions at issue. The President accordingly proposed such a commission, and the British Government consented to it; and it was believed by the British Government, that the general principles upon which the Commission was to be guided in its local operations, had been settled by mutual agreement, arrived at by means of a correspondence which took place between the two Governments in 1837 and 1838.

The British Government accordingly transmitted in April of last year, for the consideration of the President, the draft of a convention to regulate the proceedings of the proposed Commission.

The preamble of that draft recited textually, the agreement which had been come to, by means of notes which had been exchanged between the two Governments; and the Articles of the Draft were framed, as Her Majesty's Government considered, in strict conformity with that agreement. But the Government of the United States did not think proper to assent to the Convention so proposed. That Government did not, indeed, allege that the proposed Convention was at variance with the result of the previous correspondence between the two Governments; but it thought that Convention would establish a joint commission "of mere exploration and survey;" and the President was of opinion, that the step next to be taken by the two Governments, ought to bear upon its face stipulations which must necessarily lead to a final settlement under some form or other, and within a reasonable time. The United States' Government accordingly sent to you, for transmission to Her Majesty's Government, a counter-draft of convention, varying considerably, as Mr. Forsyth admitted, in some parts from the Draft as proposed by Her Majesty's Government. But Mr. Forsyth added, that the United States' Government did not deem it necessary to comment upon the alterations so made, as the text of the Counter-Draft would be found sufficiently perspicuous.

Her Majesty's Government certainly might have expected that some reasons would have been given to explain why the United States' Government declined to confirm an arrangement which was founded on propositions made by that Government itself, and upon modifications to which that Government had agreed; or that if the American Government thought that the Draft of Convention thus proposed to it, was not in conformity with previous agreement, it would have pointed out in what respect the two differed.

Her Majesty's Government, however, in the present state of this question, concur with the Government of the United States in thinking that it is on every account expedient that the next measure to be taken by the two Governments should contain in its details, arrangements which should necessarily lead to some final settlement; and they think that the Convention which they proposed last year to the President, instead of being framed so as to constitute a mere Commission of Exploration and Survey, did, on the contrary, contain stipulations calculated to lead to the final ascertainment of the boundary which is to be determined.

There was, however, undoubtedly, an essential difference between the British Draft and the American Counter-Draft; the British Draft contained no provision embodying the principle of arbitration. The American Counter-Draft did contain such a provision.

The British Draft contained no provision for arbitration, because the principle of arbitration had not been proposed on either side during the negotiations upon which that Draft was founded, and because, moreover, it was understood at that time that the principle of arbitration would be decidedly objected to by the United States.

But, as the United States' Government have expressed a wish to embody that principle in the proposed Convention, the British Government is perfectly willing to accede to that wish; you are therefore instructed to state to Mr. Forsyth, that Her Majesty's Government consent to the two principles which form the main foundation of the American Counter-Draft, namely: 1st., That the Commission to be appointed should be so constituted as necessarily to lead to a final settlement of the questions at issue between the two countries; and secondly, that in order to secure such a result, the Convention, by which the Commission is to be created, should contain a provision for arbitration upon points as to which the British and American Commissioners may not be able to agree.

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You will at the same time say, that there are some matters of detail in the American Counter-Draft, which Her Majesty's Government could not adopt, but that you will, by a very early opportunity, receive an amended draft to be submitted to the consideration of the President; and that you will at the same time be instructed to propose to the President a local and temporary arrangement, for the purpose of preventing collisions within the limits of the Disputed Territory.

I am, &c.,
(Signed) PALMERSTON.

No. 2.

Viscount Palmerston to Mr. Fox.

Sir, *Foreign Office, June* 3, 1840.

WITH reference to my other despatch of this day, I have to state to you, that it seems desirable that no time should be lost in endeavouring to settle with the United States' Government some temporary arrangement which shall effectually prevent local collisions within the Disputed Territory, during the period which may yet elapse before the question of the Boundary shall be finally determined.

I have, accordingly, to instruct you to call the serious attention of the President to the many inconveniences which are likely to result from the present state of things in that quarter, and to say, that it is the opinion of Her Majesty's Government, that the best way of preventing the friendly relations between the United States and Great Britain from being interrupted by the indiscreet acts of local authorities, would be, to place these matters in the hands of the two Governments.

For this purpose Her Majesty's Government would propose, that an agreement, to be recorded either by a protocol or by an exchange of notes, should be come to between yourself on the part of Her Majesty's Government, and Mr. Forsyth on the part of the Government of the United States, purporting that two Commissioners should be appointed, one by each Government, who should have charge of maintaining order in the Disputed Territory, during the interval of time which may elapse before the question of Boundary shall be finally settled.

That these Commissioners, neither of whom should be a citizen of any of the States on the immediate border, nor a native of Her Majesty's North American provinces, shall employ a civil force in the capacity of constables, to consist of an equal number of British subjects and of American citizens; and that the duty of these persons shall be to protect the timber from depredation, and to arrest and expel all trespassers; that any fortifications or entrenchments which either party may have constructed within the Disputed Territory shall be demolished; and that any post which it may be necessary for the Commissioners to cause to be occupied, for the purpose of preventing trespass and plunder, shall be occupied by an equal number of British and American constables. All timber which may be found cut down by trespassers within the Disputed Territory, shall be burnt on the spot where it may be found; and all trespassers who may be met with in the act of plundering, shall be delivered over to their respective country to be dealt with according to law.

I shall send you further instructions on this matter by the same opportunity by which I shall transmit to you the Draft of a Convention for settling the Boundary.

I am, &c.,
(Signed) PALMERSTON.

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No. 3.

Viscount Palmerston to Mr. Fox.

Sir, *Foreign Office, June* 30, 1840.

I NOW transmit to you the Draft of a Convention which Her Majesty's Government wish to submit to the Government of the United States, for the purpose of appointing two Commissions, the one to explore and survey the line of boundary between the British Provinces of New Brunswick and Canada and the United States, and to determine and lay down that boundary in conformity with the Treaty of 1783; the other to act as Arbitrator on matters with respect to which the first Commission may be unable to come to a decision.

Her Majesty's Government trust that this Draft will be considered a fresh proof of their earnest desire to bring this long-pending business to a just and satisfactory conclusion.

The Government of the United States, in the year 1833, made to the British Government a proposal that a Commission of Exploration should be appointed by the two Governments to search for the Highlands of the Treaty of 1783. The British Government accepted that proposal in substance, but suggested certain modifications in its details. Some of these modifications were agreed to by the Government of the United States; and Her Majesty's Government prepared a Convention, which, in its preamble, recited the agreement that had been come to by the two Governments, and in its Articles was intended to carry that agreement into effect. But when the Draft of that Convention was received at Washington, the Government of the United States seemed to have changed its views; and without assigning any specific reasons for not abiding by the agreement which had previously been come to, with respect to a proposal originating with the Cabinet of Washington, it transmitted, in reply, a Draft of Convention, differing essentially from that in which Her Majesty's Government thought they had embodied the result of the preceding negotiations.

The chief reason assigned, or rather implied, by the Government of the United States for rejecting the British Draft was, that in the present state of things, it has become inexpedient for the two Governments to take any measure on these matters which shall not contain within itself the certainty that it will lead to a final settlement. Her Majesty's Government concur in that opinion, but they think that the Draft which they proposed last year will be found, upon attentive examination, to contain arrangements which must almost necessarily have led to a final settlement. There was not, indeed, in that Draft any provision for arbitration upon points on which the Members of the Commission, and the two Governments who were to appoint them, might be unable to agree; and it may certainly be said that an arrangement is in a case of this kind the best adapted to render a final settlement certain. But one principal reason why that Draft did not contain a provision for arbitration was, that no such provision had then been proposed by the Government of the United States, and that, on the contrary, the Government of the State of Maine had distinctly resolved that it would not consent to any further arbitration.

The American Counter-Draft does contain a provision for arbitration; and Her Majesty's Government being desirous of having this question finally settled, and believing that there is little prospect of its ever being so settled without arbitration, in some shape or other, is willing to agree to adopt that principle.

The Draft now sent to be proposed to the United States' Government contains therefore a provision for establishing a Commission of Arbitration.

The American Counter-Draft seemed to Her Majesty's Government to be open to many objections, both in its principles and in its details.

Her Majesty's Government are willing to adopt the principle of arbitration, and to assent to the particular mode proposed by the President for constituting the arbitrating authority; but Her Majesty's Government do not see any advantage in carrying beyond the limits of necessity the employment and application of the arbitrating power, and the American Draft appears so to carry it.

That Draft provides, that if the joint Commission to be appointed by the two Governments shall not be able to agree as to the whole Boundary, then the determination of the whole of the Boundary is to be referred to the Commission

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of Arbitration, who are to decide the entire line from the monument at the head of the St. Croix to the point where the 45th degree of north latitude strikes the St. Lawrence.

It may happen that this arbitrating Commission may be obliged to decide and determine the whole of that line, but it seems needless to assume that this will be the case; and it appears to Her Majesty's Government better that the Commission of Survey should decide finally all points on which they may agree, and that it should only be their points of difference that the Arbitrating Commission should be called upon to determine.

The American Draft proposes that each Government should make out a statement to be laid before the Commission of Arbitration.

Her Majesty's Government are of opinion that it will be much better that the documents to be laid before that Commission should be the Reports of the Commission of Survey, together with any observations which each Government may think fit to make thereupon.

The American Draft proposes that the Commission of Arbitration should be empowered to appoint surveyors to make surveys, and that the two Governments should bind themselves to adopt as conclusive the reports of these irresponsible surveyors; but such a proposal appears to Her Majesty's Government to be wholly inadmissible, and instead thereof, the Draft now sent, proposes, that any topographical information wanted by the Commission of Arbitration should be obtained through the two Governments from the Commission of Survey.

The other minor modifications of the American proposal will speak for themselves, and you will have no difficulty in explaining the reasons on which they are founded.

I must, however, particularly notice two or three passages in the American Counter-Draft which have been left out in the accompanying Draft, and which are wholly inadmissible. The first is in that part of the American Preamble, in which, by what appears to be merely a topographical description, the Contracting Parties would affirm, that the line claimed by the United States does correspond with the words of the Treaty of 1783, and that the line claimed by Great Britain does not do so.

It is scarcely to be supposed that the President could have expected that this passage could have been agreed to by the British Government.

The second passage is in the 10th article of the American Draft, by which it is proposed that Mitchell's Map should be acknowledged as a document bearing upon the question to be decided. But Mitchell's Map is well known to be full of the grossest geographical inaccuracies, and to be remarkable for extraordinary errors in the latitude and longitude of places; and as that map is not mentioned, or in any degree referred to by the Treaty of 1783, and as that Treaty is the authority now to be expounded, Her Majesty's Government cannot possibly consent to give any value whatever to a map which is entitled to no weight, either from diplomatic or scientific considerations.

The third passage is in Article XIV. of the American Counter-Draft, which seems to imply, that agents of the two Governments should accompany the Commission of Survey, for the purpose, as it is said, of giving explanations on behalf of the respective parties.

To such a proposal, Her Majesty's Government cannot possibly consent; no such agents are necessary; no such explanations are wanted. The face of the country, and the words of the Treaty, are the things to be explained, and the Commissioners are there to explain them. The proposed agents would only maintain a perpetual squabble, and convert the encampments of the Commissioners into a scene of incessant contest. Her Majesty's Government must therefore insist that no agents, either from the British Government, or the British Colonial Authorities, or from the United States' Government, or from any of the States of the Union, be permitted to accompany the Commission of Survey.

For your further information and guidance, I send you a copy of the American Counter-Draft, with some marginal notes, which will put you in possession of the opinion of Her Majesty's Government, upon the points to which those notes refer.

In the Draft now sent, it is proposed that the Commission of Survey should meet at Quebec, and begin its exploration at the head of the Connecticut. This would be the most natural, and, in many respects, the most convenient arrange-

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ment; and the Commissioners would thus have the advantage of beginning their operations on Highlands which have already been acknowledged by both parties as being the Highlands of the Treaty, and as constituting a part of the Boundary between the two countries. Her Majesty's Government attach, therefore, much importance to this arrangement, and would very unwillingly consent to give it up. You will, it is to be hoped, have the less difficulty in maintaining it, because the Draft stipulates that the Commission shall be bound to survey any other part of the disputed Territory which two Commissioners on either side may wish to visit; and, therefore, the question merely is, which part of the territory the Commissioners shall begin at, and no part is to be excluded from their subsequent examination.

I am, &c.,
(Signed) PALMERSTON.

Inclosure 1 in No. 3.

Draft of Convention between Great Britain and the United States, to ascertain and determine the North-Eastern Boundary.

PREAMBLE.

WHEREAS that portion of the Boundary between the British Dominions in North America and the United States of America, described in the Treaty of Peace signed at Paris on the 3rd September, 1783, as formed by a "line drawn due north from the source of the St. Croix River to the Highlands; along the said Highlands which divide those rivers that empty themselves into the River St. Lawrence from those which fall into the Atlantic Ocean, to the north-westernmost head of Connecticut River; thence down along the middle of that river, to the 45th degree of north latitude; from thence by a line due west on said latitude until it strikes the River Iroquois or Cataraguay," has not yet been ascertained or determined; and whereas the point designated in the aforesaid Treaty, as the north-west angle of Nova Scotia, and which is to be formed by the intersection of the due north line from the head of the St. Croix, with the said Highlands, has therefore not been ascertained and defined; and whereas, by the stipulations of a Convention between Great Britain and the United States of America, signed at London on the 29th of September, 1827, the points of difference which had arisen out of the proceedings of the Board of Commissioners to whom the designation and demarcation of the said portion of boundary was intrusted under the Vth Article of the Treaty signed at Ghent, on the 24th December, 1814, were referred to the arbitration of the King of the Netherlands; and whereas, the decisions and opinions given by His Netherlands Majesty thereupon, as laid down in His said Majesty's Award, signed at the Hague, on the 10th January, 1831, failed to adjust the said points of difference; and whereas, Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, and the President of the United States, have deemed it expedient to appoint a new Commission of Exploration and Survey, for the purpose of laying down the said Boundary, in conformity with the stipulations of the aforesaid Treaty of 1783, and have moreover agreed upon certain arrangements to provide for an equitable and final decision of all points upon which the British and American members of such Commission may not be able to agree; and whereas, Her Britannic Majesty, and the President of the United States, have with this view resolved to conclude a Convention for regulating the proceedings of the said Commission, they have therefore named as their Plenipotentiaries for this purpose, that is to say:—

Her Majesty the Queen of the United Kingdom of Great Brstain and Ireland, &c., &c., &c.

And the President of the United States of America, by and with the advice and consent of the Senate thereof, &c., &c., &c.

Who, after having communicated to each other their respective Full Powers, found to be in due form, have agreed upon and concluded the following Articles:—

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ARTICLE I*.

Within months after the exchange of the ratifications of the present Convention, the two High Contracting Parties shall appoint a Commission to be composed in the following manner: three Commissioners shall be named by Her Britannic Majesty, and three by the President of the United States of America, by and with the advice and consent of the Senate thereof; and these six Commissioners so appointed, shall have power to appoint a secretary, and such other assistants as they shall judge necessary to enable them to execute efficiently the duties of their commission.

ARTICLE II†.

The said Commissioners shall meet in the first instance at the town of [Quebec], and shall have power to adjourn their meetings to such other place or places as they shall think fit; but before they enter upon the duties of their offices, they shall each, in the presence of all the others, make oath or affirmation, before the principal magistrate residing or acting at the said town of [Quebec], that they will impartially examine, and decide, according to the best of their skill and judgment, all points relating to their duties as Commissioners; and having done this, they shall then forthwith enter upon the discharge of their duties as hereinafter defined.

ARTICLE III.

The Commissioners so appointed shall proceed, in the first place, to the sources of the Connecticut River, and shall fix and determine that source which is described in the Treaty of 1783 as the north-westernmost head of the said river, ascertaining the latitude and longitude of the same. From thence the Commissioners shall proceed along the Highlands near the sources of the Chaudière and Penobscot, which divide those rivers that empty themselves into the River St. Lawrence, from those which fall into the Atlantic Ocean, marking out along those Highlands that portion of the Boundary between the United States and the British possessions which was agreed to by the joint Commission appointed by the British and American Governments under the Treaty of Ghent.

The Commissioners shall then continue to explore the said Highlands eastward, as far as the meridian of the head of the St. Croix; and from thence they shall descend, in a southerly direction, to the monument at the head of that river.

The Commissioners having thus made a general survey of the country along which the line of Boundary is to run, shall proceed to lay that Boundary down accurately on the surface of the earth, and to mark it by monuments or other landmarks.

For this purpose they shall first proceed to lay down a due north line from the monument at the head of the St. Croix, and shall trace that line accurately in a due north direction until it meets the aforesaid Highlands, which they will have traced from the head of the Connecticut River.

From the point where the said due north line, astronomically drawn from the head of the St. Croix, shall be found to meet the said Highlands, (which point shall be deemed and taken to be the north-west angle of Nova Scotia, and the latitude and longitude whereof they shall ascertain,) the Commissioners shall proceed to lay down the Boundary along the said Highlands to the north-westernmost head of the Connecticut River, running the line, in conformity with the general usage which prevails as to boundary lines in North America, in as straight a direction from point to point as the nature and features of the country will allow.

From thence the Commissioners shall mark the Boundary in such manner as may be practicable, down the middle of the bed of the Connecticut River, to the 45th parallel of north latitude, which parallel they shall ascertain by the most

* As in Article I. of the British Draft, and in the American Counter-Draft.
† As in Article II. of British Draft, and in the American Counter-Draft.

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accurate observations they may be able to make, and from the point where the Connecticut River intersects the said parallel, the Commissioners shall proceed to lay down, and mark out, that line, westward, along the said parallel, until it strikes the River St. Lawrence, called in the Treaty of 1783, the Iroquois or Cataraguay.

The Commissioners shall make a Report of their proceedings, and shall prepare a Map of the Boundary Line, or of such parts thereof which they may have agreed upon; such Report and Map shall be prepared in duplicate, and shall be signed and sealed by the Commissioners; and one copy of the said Report and Map shall be transmitted to the British Government, and the other copy to the Government of the United States.

ARTICLE IV.

It shall be the duty of the Commissioners to explore and survey all such other parts of the Disputed Territory, besides those mentioned in the preceding Article, which any two of the Commissioners on either side may think it would be useful to examine, in order the better to ascertain the true Boundary intended by the Treaty of 1783; and it is understood between the Contracting Parties, that the Disputed Territory is comprised within a space, bounded on the east by a line, drawn due north from the source of the River St. Croix, as marked by the monument described in the preamble of the present Convention, and on the south, the west, and the north, by the two lines of boundary extending to the westward of the said due north line, and which were claimed, on behalf of the two High Contracting Parties, respectively, by their Commissioners, appointed under the Vth Article of the Treaty of Ghent.

ARTICLE V.

Whenever two of the three British Commissioners, and two of the three American Commissioners, shall agree upon any point or matter, the unanimous opinion and decision of those four shall be deemed and taken to be the opinion and decision of the Commission; and such opinion and decision shall be recorded, and shall be signed by the four concurring Commissioners, and shall be reported by them to the two Governments; and it is hereby agreed between the Contracting Parties, that every opinion and decision so recorded and reported by the Commission, shall be deemed final, and shall be held binding by both the High Contracting Parties.

ARTICLE VI.

Each of the High Contracting Parties shall be at liberty to lay before the Commission, for its information, copies of any official documents, or of any maps or surveys, which such Contracting Party may think calculated to throw light upon the matters which the Commission is appointed to investigate, or likely to assist the Commission in the performance of its duties. But no such maps or surveys shall be deemed by the Commissioners to be other than *ex parte* statements, furnished in order to assist the Commission in its own investigations, unless such maps and surveys shall be acknowledged and signed by two Commissioners on each side, as authentic evidence of the facts upon which they may bear.

Each of the High Contracting Parties will give to the other, copies of any documents, maps, or surveys, which such Contracting Party may so lay before the Commission.

ARTICLE VII.

If it should happen that upon any points or matters which may come under the consideration of the Commission within the scope of its duties, four of the Commissioners as aforesaid, that is to say, two on each side, should be unable to

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come to an united opinion or decision, the Commissioners shall draw up, either jointly or separately, a Report or Reports, stating and explaining in detail the points on which they differ, and the grounds upon which their respective opinions have been formed.

These Reports of the Commissioners on both sides, shall be prepared in duplicate, and one original copy of each, together with copies of all documents or maps annexed thereto, shall be transmitted by the British Commissioners to the British Government, and the other copy shall be transmitted by the American Commissioners to the Government of the United States.

ARTICLE VIII.

If the two Governments should not be able, upon a review of the statements of the Commissioners, to come to an undertanding upon the points about which the Commissioners shall have so differed, such points shall, at the desire of either of the two Governments, be referred for decision to a Commission of Arbitration, consisting of three persons eminent for their scientific attainments, and not being subjects of Great Britain or citizens of the United States.

Her Britannic Majesty and the President of the United States engage to choose three friendly Sovereigns or States, each of whom shall be invited by the High Contracting Parties, to name and appoint one of the aforesaid three Commissioners; and in order to prevent unnecessary delay, the two Governments shall at once proceed to take steps for establishing this Commission of Arbitration.

ARTICLE IX.

As soon as the Members of the Commission of Arbitration shall have been named and appointed, they shall meet at [Frankfort on the Maine].

They shall, in presence of each other, be sworn, impartially, and to the best of their judgment, to examine and decide according to the evidence laid before them, all matters which may be referred to them by the Governments of Great Britain and the United States jointly.

They shall have power to adjourn from time to time, and from place to place; and to appoint a Secretary and Clerks who shall not be subjects of Great Britain, or citizens of the United States.

ARTICLE X.

The documents to be submitted to the Commission of Arbitration, by the Governments of Great Britain and of the United States, shall be the reports made to those Governments, by the Commissioners of Exploration and Survey, of the points about which those Commissioners have differed, and of the points about which they have agreed, together with any observations which either Government may choose to make upon the statements and reports of the Commissioners of Exploration and Survey, on the matters about which those Commissioners may have differed; and if the Commission of Arbitration should need any further topographical information, to enable them to decide any of the points so submitted to them, they shall apply to the two Governments, who shall thereupon direct the Commission of Exploration to supply them with such information, in order to its being transmitted by the said Governments to the Commission of Arbitration.

ARTICLE XI.

The decisions of a majority of the Commission of Arbitration shall, upon being communicated to the two Governments, signed and sealed by the Commissioners, be held by the British and American Governments to be final and binding as to the points which such decisions may determine.

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ARTICLE XII.

The salaries of the said Commissioners of Exploration and Survey to be appointed according to the preceding Article I., shall be defrayed by their respective Governments; but all other expenses attending the Commission shall be defrayed in equal portions by the two High Contracting Parties.

In case of the death, resignation, absence, or disability from any cause, of any Commissioner, the Government by which he was appointed shall name a successor with the least possible delay, and each new Commissioner shall be bound to take the same oath or affirmation, and to perform the same duties as his predecessor.

ARTICLE XIII.

The salaries and all expenses of the Commission of Arbitration to be appointed according to the preceding Article VIII., shall be defrayed in equal portions by the Governments of Great Britain and of the United States, upon accounts to be rendered periodically to each Government by the said Commission.

ARTICLE XIV.

The present Convention shall be ratified, and the ratifications shall be exchanged in London within a period of [six weeks.]

In witness whereof, the respective Plenipotentiaries have signed the same, and have affixed thereto the seals of their arms.

Done at Washington, the day of in the year of our Lord, one thousand eight hundred and forty.

Inclosure 2 in No. 3.

North-Eastern Boundary.

American Counter-Project.

PREAMBLE.

WHEREAS neither that part of the Boundary between the United States and the British dominions in North America, which is on the Highlands lying due north of the source of the River St. Croix, and designated in the Treaty of Peace between the two Powers, signed at Paris, on the 3rd of September, 1783, as the north-west angle of Nova Scotia; nor that portion of said Boundary described in said Treaty, as commencing at the said north-west angle of Nova Scotia, viz., that angle which is formed by a line drawn due north from the source of the St. Croix River to the Highlands, along the said Highlands which divide those rivers that empty themselves into the River St. Lawrence, from those

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which fall into the Atlantic Ocean, to the north-westernmost head of Connecticut River; thence down along the middle of that river, to the 45° of north latitude; from thence by a line due west on said latitude, till it strikes the Iroquois or Cataraguay; nor that other portion of the said Boundary which extends from the source of the River St. Croix, directly north to the above-mentioned north-west angle of Nova Scotia, have yet been ascertained or determined; and whereas, adverse claims founded upon conflicting constructions of the said Treaty of 1783, have been set up by the respective, parties; the United States claiming as the position of the said north-west angle of Nova Scotia, a point due north of the River St. Croix, on the Highlands lying north of the River St. John, and which divide those rivers that empty themselves into the River St. Lawrence from those which fall into the Atlantic Ocean, and Great Britain, claiming as the position of said north-west angle of Nova Scotia, a point on a Highland called Mars Hill, lying south of the River St. John, and dividing those waters which empty themselves into the said River St. John, from those which fall into the Atlantic Ocean; and whereas, the President of the United States of America, and Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, have deemed it expedient to attempt a settlement of said Boundary in conformity with the stipulations of the aforesaid Treaty of 1783, by the appointment of a new Commission of Exploration and Survey, upon principles agreed upon between their respective Governments, with provisions for the final adjustment of the controversy, if the said Commission should unfortunately prove ineffectual; and with that view to conclude a Convention, they have named as their Plenipotentiaries for this purpose, that is to say, the President of the United States, &c., &c.,

There is no use in recording former differences and conflicting claims in a Convention which is intended to put an end to the former and reconcile the latter.

This would be to admit, in the very outset of the Convention, the whole of the American claim.

This would be, virtually and by inference, to negative the British claim.

We want now to do more than merely to attempt *a settlement.*

and Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, &c., &c.

Who, after having communicated to each other their respective full powers, found to be in due form, have agreed upon and concluded the following Articles:—

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ARTICLE I.

Within months after the exchange of the ratifications of the present Convention, the two High Contracting Parties shall appoint a Commission, to be composed in the following manner:—

Three Commissioners shall be named by the President of the United States of America, and three by Her Britannic Majesty; and these six Commissioners, so appointed, shall have power to appoint a secretary, and such other assistants as they shall judge necessary, to enable them to execute efficiently the duties of their Commission.

ARTICLE II.

(Unchanged.)

ARTICLE III.

With a view to ascertain and determine the point designated in the Treaty of 1783 as the north-west angle of Nova Scotia, the Commissioners so appointed shall proceed, in the first instance, to explore and mark out that portion of the Boundary which, under the Treaty of 1783, is to be formed by a line drawn due north from the source of St. Croix River to the Highlands which divide those rivers that empty themselves into the River St. Lawrence, from those which fall into the Atlantic Ocean.

It is very desirable that the Commissioners should begin at the other end, where a portion of the Highland Boundary has already been agreed to by both Parties; and as the Commissioners must first make a general survey of the country, before they actually lay down land-marks, it seems a good economy of time to make them survey from west to east, and then land-mark back again from east to west.

In running said line, they shall commence at the point designated by the monument erected by the Commissioners of the High Contracting Parties under the Treaty of 1794, as the true source of the St. Croix River.

It would be very desirable to reverse the decision of 1794, and to get back to the western head of the St. Croix, which is the real source of the river; but that cannot now be done, consistently with past transactions and with national good faith.

ARTICLE IV.

If two out of the three Commissioners on each side shall concur in tracing, on the ground, a line which, in their united opinion, corresponds with the description contained in the Treaty of 1783, of that portion of the Boundary

This principle of constituting four out of the six a deciding majority, is good, and has been adopted.

The rest of this Article is susceptible of improvement.

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between the United States and the British dominions in America which is referred to in the third Article of this Convention, they shall draw up a report to that effect in duplicate, to which report each Commissioner shall affix his signature and seal in the presence of all the others; and one original of such report shall be forwarded by the United States' Commissioners to the Government of the United States, and the other original shall be forwarded by the British Commissioners to the Government of Her Britannic Majesty.

The two High Contracting Parties formally agree to consider the report of the Commissioners so authenticated, as final upon this point, and as binding upon both Parties.

ARTICLE V.

It being the object, as it is the earnest desire, of the High Contracting Parties, to effect a just and amicable settlement of the line of Boundary in question by the direct action of the Joint Commission hereby established, or if that shall prove impracticable, to obtain authentic evidence of all material facts that are connected therewith, for the better guidance of the future action of the High Contracting Parties upon the subject, it is agreed between them as follows:—

1st. That it shall be the further duty of the said Commissioners to explore, and when it is desired, to survey, such parts of the Disputed Territory other than the line due north from the monument aforesaid, and also of the contiguous territory, as they, or the Commissioners of either party, shall deem useful in ascertaining the true boundaries of that Treaty, and to note carefully the face of the country, the position and bearing of important relative objects, and all such other facts and circumstances, as they, or either of them, may deem important to a correct decision of the points in dispute.

There does not seem to be any use in authorizing the American Commissioners to explore and survey the territory of New Brunswick.

2ndly. To collect, as far as they may be able to obtain the same, and carefully authenticate all such maps and surveys of the disputed and contiguous territory, and all official documents having relation to the premises, as will, in the opinion of the Commissioners, or of any two on either side, serve to elucidate the true intent and meaning of the parties to the Treaty of 1783, upon the points in question; and to this

This, as worded, would enable the American Commissioners to place with an authentic character, upon the records of the Commission, the erroneous maps fabricated by American surveyors.

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end the High Contracting Parties agree to furnish each other with authentic copies of all maps and surveys of the disputed and contiguous territories, and also with like copies of all official documents connected with the negotiation of the said Treaty, which are to be found in the public archives of the respective Governments, and which two of the said Commissioners on either side shall believe to have a bearing upon the subject under discussion; and

This is too vague.

3rdly. That in case of a final disagreement amongst the Commissioners, in respect to the true location of that portion of the Boundary between the United States and the British possessions in America, it shall be their further duty to draw up a full report of their proceedings, under this Treaty, and to include therein a specific statement of the facts and circumstances which it is by this Article made their special duty to note, and in respect to which, two out of three of the Commissioners on each side, have found themselves able to concur in opinion.

The said report shall be drawn up in duplicate, and signed and sealed by the Commissioners agreeing to the same in the presence of all the others; and one original of said report shall be forwarded by the British Commissioners to the Government of Her Britannic Majesty, and the other original shall be forwarded by the American Commissioners to the Government of the United States.

All this is needlessly wordy.

The two High Contracting Parties formally agree to consider the report of the Commissioners, so authenticated, as conclusive, in regard to the facts therein stated, in all future discussions upon the subject.

There ought to be no future discussions about points which the Commission shall have decided; and on points about which they cannot agree, the statement of facts by the Commissioners on the two sides may differ, and, in such cases, the reports cannot be conclusive as to facts.

ARTICLE VI.

As soon as the Commissioners shall have transmitted to their respective Governments the report prescribed by the Fourth Article, they shall at once proceed to mark out and make a map of such line as they shall have agreed to consider as fulfilling the conditions of the Treaty of 1783, agreeably to

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such report as they shall have transmitted to their respective Governments; and the line, so drawn, shall be deemed and taken by the two Contracting Parties to be a portion of the boundary line between the American and British territories, as intended by the Treaty of Peace of 1783.

They shall certify the accuracy of such map by a declaration to be attached to it, under their hands and seals, and shall particularize the longitude and latitude of such points in the said line as they may deem proper.

One copy of such map shall be transmitted to each Government by its own Commissioners, and both the High Contracting Parties agree to consider such map and declaration as finally and conclusively fixing the said portion of the Boundary between their respective territories.

All this has been more concisely stated in the new Draft.

ARTICLE VII.

As Article VIII. of the British Project, leaving out the words "in as straight a direction as the features of the country shall admit," and inserting after the word "Commissioners," in the second line of the second paragraph, the words "or two on each side."

There can be no good reason for leaving out these words, and they ought to stand.

ARTICLE VIII.

As Article IX. of the British Project.

ARTICLE IX.

Article X. of the British Project.

ARTICLE X.

The map called Mitchell's Map, hitherto admitted to have regulated the joint and official proceedings of the framers of the Treaty of 1783, shall be considered as evidence mutually acknowledged by the Contracting Parties as bearing upon the question to be decided.

This is quite inadmissible. Mitchell's Map is not mentioned in the Treaty of 1783, and therefore has no diplomatic authority; and it is so notoriously wrong in latitudes and longitudes, that it can have no value or authority whatever as a geographical work.

ARTICLE XI.

And in case the joint Commission authorized under the preceding Articles should not be able to concur in opinion as to the true boundaries described in the said Treaty of 1783,

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it is further agreed that the designation of that part of the Boundary line between the dominions of the United States and Great Britain, which extends from the source of the River St. Croix, directly north, to the north-west angle of Nova Scotia; thence along the said Highlands which divide those rivers that empty themselves into the River St. Lawrence from those which fall into the Atlantic Ocean, to the north-westernmost head of the Connecticut River; thence down along the middle of that river to the 45th degree of north latitude; thence by a line due west in said latitude until it strikes the River Iroquois or Cataraguay, as described in the Fifth Article of the Treaty of Ghent, shall be referred to three Commissioners, (neither of whom shall be a citizen of the United States or a subject of Great Britain,) to be severally selected by three friendly Sovereigns or States, viz.: and and , who shall be invited by the President of the United States, and Her Britannic Majesty, to assume this office. And the said Commissioners so appointed, shall be sworn impartially to examine and decide upon the matters so referred to them, according to such evidence as shall be laid before them, on the part of the United States and of Great Britain respectively. The said Commissioners shall meet at , and shall have the power to adjourn to such other place or places as they shall think fit. The said Commissioners, or a majority of them, shall, by a declaration or report under their hands and seals, decide upon the matters referred to them, and shall designate the line of Boundary in conformity with the true intent of the definitive Treaty of Peace of 1783; and both the Contracting Parties shall consider such designation as final and conclusive.

If I understand this plan of arbitration, it goes to this, that if the Joint Commission cannot ayree upon everything, they shall be wholly set aside, and a Commission of Arbitration shall be appointed to determine the whole Boundary: the Report of the Commission of Survey and Exploration being submitted as evidence *to the Commission of Arbitration.*

It seems to me that a much better plan would be to let the decisions of the Commission of Survey be final, as far as they go, to give the two Governments, in the first instance, an opportunity of coming to an agreement about points on which the Commissioners of Survey shall have differed, and to submit to the Commission of Arbitration those points only upon which the Commission of Survey, and the two Governments shall have been unable to come to an agreement: the new Draft is framed upon this scheme.

It seems objectionable to allow the two Governments to submit to the Commission of Arbitration evidence which has not been submitted to the Commission of Survey.

ARTICLE XII

It is also agreed that the proceedings of the Joint Commission of Exploration and Survey, first above authorized, so far as they are concurred in by the Commissioners of both Parties as hereinbefore provided, shall be evidence before the Commission authorized by the last preceding Article.

Why re-open these points? Such decisions of the first Commission should at once be final, and should only be communicated to the second Commission for its information.

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ARTICLE XIII.

And in case the last-mentioned Commission should find the topographical evidence laid before them insufficient for the purpose of a sound and just decision, they shall have the power of ordering additional surveys to be made of any portions of the Disputed Boundary Line or Territory as they may think fit, which surveys shall be made at the joint expense of the Contracting Parties, and be held as conclusive by them.

It would be very objectionable to empower this irresponsible Commission to make surveys by surveyors of their own. No reliance could be placed on the accuracy of such surveyors, and yet the Commissioners might be led to give more weight to the faulty reports and maps made by their surveyors, than to the correct ones made by the Surveyors of the first Commission. It would, moreover, be absolutely impossible that the British Government should consent to hold such surveys as conclusive.

ARTICLE XIV.

To provide compensation for the Commissioners who may be appointed under the provisions of the Eleventh Article, the expenses of the Commission, and the compensation of an Agent on each side to make explanations in behalf of the respective parties.

Inadmissible. This would be an Agent from Maine. No Agents on either side ought to be permitted to attend the Commission of Survey. This ought to be a sine quâ non, *or we shall have the encampments of the Commission a constant field of battle.*

ARTICLE XV.

As Article XI. of the British Project.

No. 4.

Viscount Palmerston to Mr. Fox.

Sir, *Foreign Office, July* 4, 1840.

LIEUTENANT-COLONEL MUDGE and Mr. Featherstonhaugh, the Commissioners appointed last year to explore and survey the territory in dispute between Great Britain and the United States of America, having been prevented by want of time and by the advanced period of the season from completing their examination and survey of a portion of the Boundary Line claimed by the United States, and lying north of the St. John, and in the vicinity of the River St. Lawrence; and Her Majesty's Government having determined that such examination and survey should now be completed, Lieutenant Broughton, of the Royal Engineers, and Mr. James D. Featherstonhaugh, have been selected as joint surveyors for this service.

These gentlemen will go out on board the "Britannia" steamer, which sails from Liverpool for Halifax on the 4th instant; and I herewith transmit for your information a copy of the Instructions with which they have been furnished.

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You will make known to the Government of the United States the objects and purposes for which these surveyors are about to be sent.

I am, &c.,
(Signed) PALMERSTON.

No. 5.

Mr. Fox to Viscount Palmerston.—(Received July 16.)

My Lord, *Washington, June* 28, 1840.

I HAD the honour to receive on the 20th instant, your Lordship's important despatch of the 3rd of this month, inclosing copies of the Report and Map which have been delivered to Her Majesty's Government by the British Commissioners employed during the last season to survey the Disputed Territory, and conveying to me, for communication to the Government of the United States, the views and intentions of Her Majesty's Government with reference to the last American proposal for the adjustment of the Boundary Question.

I have accordingly presented to the United States' Secretary of State the inclosed official note, dated the 22nd instant, framed in conformity with your Lordship's instructions; and I have received from the Secretary of State, in reply, the satisfactory and amicable communication, dated the 26th instant, which is also herewith inclosed.

These documents have not yet been laid before Congress, or officially published by the United States' Government; neither consequently have the Report and Map of the Commissioners, which accompanied my note to Mr. Forsyth. I expect, however, that the whole will be communicated by Message to Congress before its adjournment.

The mode of arbitration, offered in the last American proposal, was to refer those points upon which the British and American Surveyors should not agree, to the decision of scientific persons to be appointed by three friendly Sovereigns or States. But I have reason to believe, as was stated by me in a former despatch, that the United States' Government are prepared to consent to a reference of such disputed points to the arbitration of friendly Sovereigns or States themselves, rather than of scientific persons by them appointed, if that course shall be more acceptable to Her Majesty's Government. I would venture very urgently to recommend to your Lordship that the mode of direct arbitration by Sovereigns should be preferred.

It is true that the Sovereign arbiters would have to form their opinion upon the faith principally of reports made to them by scientific persons; but yet the final judgment would be given by Governments and Statesmen, and not by mere Professors; and this appears to me, for many obvious reasons, to be a point of great importance.

I have, &c.,
(Signed) H. S. FOX.

Inclosure 1 in No. 5.

Mr. Fox to Mr. Forsyth.

Washington, June 22, 1840.

THE Undersigned, Her Britannic Majesty's Envoy Extraordinary and Minister Plenipotentiary, has the honour to transmit to the Secretary of State of the United States, by order of his Government, the accompanying printed copies of a Report and Map which have been presented to Her Majesty's Government by Colonel Mudge and Mr Featherstonhaugh, the Commissioners employed during the last season to survey the Disputed Territory.

The Undersigned is instructed to say, that it will, of course, have become the duty of Her Majesty's Government to lay the said report and map before Parliament; but her Majesty's Government have been desirous, as a mark of courtesy and consideration towards the Government of the United States, that

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documents bearing upon a question of so much interest and importance to the two countries, should, in the first instance, be communicated to the President. The documents had been officially placed in the hands of Her Majesty's Government, only a few days previously to the date of the instruction addressed to the Undersigned.

Her Majesty's Government feel an unabated desire to bring the long-pending questions connected with the boundary between the United States and the British possessions in North America, to a final and satisfactory settlement, being well aware that questions of this nature, as long as they remain open between two countries, must be the source of frequent irritation on both sides, and are liable, at any moment, to lead to events that may endanger the existence of friendly relations.

It is obvious that the questions at issue between Great Britain and the United States, must be beset with various and really existing difficulties; or else those questions would not have remained open ever since the year 1783, notwithstanding the frequent and earnest endeavours made by each Government to bring them to an adjustment. But Her Majesty's Government do not relinquish the hope, that the sincere desire which is felt by both parties to arrive at an amicable settlement, will at length be attended with success.

The best clue to guide the two Governments in their future proceedings, may perhaps be obtained by an examination of the causes of past failure; and the most prominent amongst these causes has certainly been a want of correct information as to the topographical features and physical character of the district in dispute.

This want of adequate information may be traced as one of the difficulties which embarrassed the Netherlands' Government in its endeavours to decide the points submitted to its arbitration in 1830. The same has been felt by the Government of England; it has been felt and admitted by the Government of the United States, and even by the Local Government of the contiguous State of Maine.

The British Government, and the Government of the United States, agreed, therefore, two years ago, that a survey of the disputed territory by a joint Commission would be the measure best calculated to elucidate and solve the questions at issue. The President proposed such a Commission, and Her Majesty's Government consented to it; and it was believed by Her Majesty's Government that the general principles upon which the Commission was to be guided in its local operations, had been settled by mutual agreement, arrived at by means of a correspondence which took place between the two Governments in 1837 and 1838. Her Majesty's Government accordingly transmitted, in April of last year, for the consideration of the President, the Draft of a Convention to regulate the proceedings of the proposed Commission. The preamble of that Draft recited textually the agreement that had been come to by means of Notes which had been exchanged between the two Governments; and the articles of the Draft were framed, as Her Majesty's Government considered, in strict conformity with that agreement.

But the Government of the United States did not think proper to assent to the Convention so proposed.

The United States' Government did not indeed allege that the proposed Convention was at variance with the result of the previous correspondence between the two Governments; but it thought that the Convention would establish a Commission of "mere Exploration and Survey;" and the President was of opinion that the step next to be taken by the two Governments should be to contract stipulations bearing upon the face of them the promise of a final settlement, under some form or other, and within a reasonable time.

The United States' Government accordingly transmitted to the Undersigned, for communication to Her Majesty's Government, in the month of July last, a Counter-Draft of Convention, varying considerably in some parts, as the Secretary of State of the United States admitted in his letter to the Undersigned, of the 29th of July last, from the Draft proposed by Great Britain. But the Secretary of State added, that the United States' Government did not deem it necessary to comment upon the alterations so made, as the text itself of the Counter-Draft would be found sufficiently perspicuous.

Her Majesty's Government might certainly well have expected that some reasons would have been given, to explain why the United States' Government

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declined to confirm an arrangement which was founded upon propositions made by that Government itself, and upon modifications to which that Government had agreed; or that, if the American Government thought the Draft of Convention thus proposed was not in conformity with the previous agreement, it would have pointed out in what respect the two were considered to differ.

Her Majesty's Government, considering the present state of the Boundary Question, concur with the Government of the United States in thinking, that it is on every account expedient that the next measure to be adopted by the two Governments should contain arrangements which will necessarily lead to a final settlement; and they think that the Convention which they proposed last year to the President, instead of being framed so as to constitute a mere Commission of Exploration and Survey, did, on the contrary, contain stipulations calculated to lead to the final ascertainment of the Boundary between the two countries.

There was, however, undoubtedly, one essential difference between the British Draft and the American Counter-Draft. The British Draft contained no provision embodying the principle of arbitration; the American Counter-Draft did contain such a provision.

The British Draft contained no provision for arbitration, because the principle of arbitration had not been proposed on either side during the negotiations upon which that Draft was founded; and because, moreover, it was understood at that time that the principle of arbitration would be decidedly objected to by the United States.

But as the United States'Government have now expressed a wish to embody the principle of arbitration in the proposed Convention, Her Majesty's Government are perfectly willing to accede to that wish.

The Undersigned is accordingly instructed to state officially to Mr. Forsyth, that Her Majesty's Govenment consent to the two principles which formed the main foundation of the American Counter-Draft; namely,—first that the Commission to be appointed shall be so constituted as necessarily to lead to a final settlement of the questions of Boundary at issue between the two countries; and, secondly, that in order to secure such a result, the Convention, by which the Commission is to be created, shall contain a provision for arbitration upon points as to which the British and American Commissioners may not be able to agree.

The Undersigned is, however, instructed to add, that there are many matters of detail in the American Counter-Draft which Her Majesty's Government cannot adopt. The Undersigned will be furnished from his Government, by an early opportunity, with an amended Draft, in conformity with the principles above stated, to be submitted to the consideration of the President. And the Undersigned expects to be at the same time furnished with instructions to propose to the Government of the United States a fresh local and temporary Convention, for the better prevention of incidental border collisions within the disputed territory during the time that may be occupied in carrying through the operations of survey or arbitration.

The Undersigned avails, &c.,

(Signed) H. S. FOX.

Inclosure 2 in No. 5.

Mr. Forsyth to Mr. Fox.

Washington, June 26, 1840.

THE Undersigned, Secretary of State of the United States, has had the honour to receive a note addressed to him on the 22nd instant, by Mr. Fox, Envoy Extraordinary and Minister Plenipotentiary of Great Britain, inclosing printed copies of the Report and Map laid before the British Government by the Commissioners employed during the last season to survey the territory in dispute between the two countries, and communicating the consent of Her Britannic Majesty's Government to the two principles which form the main

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foundation of the counter-proposition of the United States for the adjustment of the question.

The Undersigned having laid Mr. Fox's note before the President, is instructed to say, in answer, that the President duly appreciates the motives of courtesy which prompted the British Government to communicate to that of the United States the documents referred to; and that he derives great satisfaction from the announcement that Her Majesty's Government do not relinquish the hope that the sincere desire which is felt by both parties to arrive at an amicable settlement will at length be attended with success; and from the prospect held out by Mr. Fox of his being accordingly furnished by an early opportunity with the draft of a proposition, amended in conformity with the principles to which Her Majesty's Government has acceded, to be submitted to the consideration of this Government.

Mr. Fox states that his Government might have expected that, when the American Counter-Draft was communicated to him, some reasons would have been given to explain why the United States Government declined accepting the British Draft of Convention, or that, if it thought the Draft was not in conformity with the previous agreement, it would have pointed out in what respect the two were considered to differ.

In the note which the Undersigned addressed to Mr. Fox on the 29th of July of last year, transmitting the American Counter-Draft, he states that, in consequence of the then recent events on the frontier, and the danger of collision between the citizens and subjects of the two Governments, a mere Commission of Exploration and Survey would be inadequate to the exigencies of the occasion, and fall behind the just expectations of the people of both countries, and referred to the importance of having the measure next adopted bear upon its face stipulations which must result in a final settlement under some form, and in a reasonable time. These were the reasons which induced the President to introduce in the new project the provisions which he thought calculated for the attainment of so desirable an object, and which, in his opinion, rendered obviously unnecessary any allusion to the previous agreements referred to by Mr. Fox. The President is gratified to find that a concurrence in those views has brought the minds of Her Majesty's Government to a similar conclusion; and from this fresh indication of harmony in the wishes of the two Cabinets, he permits himself to anticipate the most satisfactory result from the measures under consideration.

The Undersigned avails, &c.

(Signed) JOHN FORSYTH.

No. 6.

Mr. Fox to Viscount Palmerston.—(Received July 28.)

My Lord, *Washington, July* 5, 1840.

I HAVE the honour herewith to inclose a printed copy of a message from the President to Congress, transmitting the last correspondence upon the Boundary Negotiation between the United States' Secretary of State and myself, and which correspondence was forwarded to your Lordship in my despatch, of the 28th ultimo.

Although the President's message is dated the 27th of June, it was not transmitted to Congress until the Monday following, the 29th of the month, the next day after the date of my despatch of the 28th ultimo.

The message expresses, in satisfactory terms, the hope and expectation entertained by the President, of an amicable settlement of the Boundary Question; and it calls for the assistance of Congress, to enable the President to effect a new preparatory survey, by American Commissioners, of those parts of the disputed territory which are especially treated of in the report of the British Commissioners, Colonel Mudge and Mr. Featherstonhaugh. If Congress assent to this proposal, I presume that the preparatory survey, by American Commissioners, will be made, or at least, that it will be commenced, during the present season.

I have been surprised to find, that although the President refers in his

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message to the contents of the Report of the British Commissioners, (two copies of which Repart, as well as of the Map, accompanied my note to the United States' Secretary of State of the 22nd ultimo,) yet neither the Report itself nor the Map have been officially communicated to Congress. It appears, from statements made by Mr. Buchanan, Chairman of the Committee of Foreign Affairs of the Senate, during two short dircussions which have taken place in the Senate subsequently to the transmission of the message, namely, on the 1st and 3rd of this month, (reports of which discussions are herewith inclosed,) that one copy of the Report and one copy of the Map have been communicated by the President, in a confidential form, to the Committee of Foreign Affairs, but not publicly to Congress. Mr. Ruggles, the opposition Senator from Maine, has moved for the official production of the Report: his motion will be discussed in the Senate to-morrow; it seems probable that it will be resisted by Mr. Buchanan and the administration party. Under these circumstances, I have not yet thought myself authorized to distribute among the members of Congress the copies of the Commissioners' Report and Map which were furnished to me for that purpose by your Lordship. Objections would be raised, perhaps technically just, against my doing so; and, moreover, it would not be prudent that I should run any risk of appearing to solicit readers for the British Report amongst the members of Congress. A desire apparently prevails with the United States Government to conceal the Report; the effect will be, to cause it to be sought after and read with great avidity when it arrives in print in the English newspapers, which I presume will happen by the next steam-packet.

I have, &c.,
H. S. FOX.

Inclosure 1 in No. 6.

President's Message to Congress.

NORTH-EASTERN BOUNDARY.

To the Senate:—

The importance of the subject to the tranquillity of our country makes it proper that I should communicate to the Senate, in addition to the information heretofore transmitted in reply to their resolution of the 17th of January last, the copy of a letter just received from Mr. Fox, announcing the determination of the British Government to consent to the principles of our last proposition for the settlement of the question of the North-Eastern Boundary, with a copy of the answer made to it by the Secretary of State. I cannot doubt that, with the sincere disposition which actuates both Governments to prevent any other than an amicable termination of the controversy, it will be found practicable so to arrange the details of a Conventional agreement on the principles alluded to as to effect that object.

The British Commissioners, in their report communicated to Mr. Fox, express an opinion, that the true line of the Treaty of 1783 is materially different from that so long contended for by Great Britain. The report is altogether *ex parte* in its character, and has not yet, as far as we are informed, been adopted by the British Government. It has, however, assumed a form sufficiently authentic and important to justify the belief, that it is to be used hereafter by the British Government in the discussion of the question of Boundary; and, as it differs essentially from the line claimed by the United States, an immediate preparatory exploration and survey on our part, by Commissioners appointed for that purpose, of the portions of the territory therein more particularly brought into view, would, in my opinion, be proper. If Congress concur with me in this view of the subject, a provision by them to enable the Executive to carry it into effect will be necessary.

M. VAN BUREN.

Washington, June 17, 1840.

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Inclosure 2 in No. 6.

Discussion in the Senate on the Boundary Negotiations.

NORTH-EASTERN BOUNDARY.

THE resolution offered by Mr. Ruggles, calling on the President of the United States, if not inconsistent with the public interest, for a copy of the report and map presented to the British Government by their Commissioners for surveying the disputed territory, coming up in its order:—

Mr. Buchanan, as he must be absent from the Senate this morning, asked as an act of courtesy, that the Senator from Maine would let the resolution lie over till Monday. He proceeded to remark, that this was a subject of great delicacy; that but one copy of the report and map had been sent to this country, and that in a confidential manner, and as a mere act of courtesy, as the report had not yet been acted upon by the British Government; that to his certain knowledge, important information had been often withheld from this Government, from the apprehension that it would be made public. Under these circumstances, although the report was really no secret, Mr. B. thought it not proper to publish it. But, for the present, he wished merely that the resolution should lie over till Monday.

Mr. Ruggles said, it was not on his own account particularly that he had submitted the call for this map and report. But the President of the United States had warmly recommended a survey of the disputed territory on the part of the United States. That recommendation was ostensibly founded on the report and map in question; and Mr. Ruggles thought it due to the Senate that they should themselves see the ground on which they were called upon to act in relation to this subject.

Mr. Allen said there was a manifest impropriety in adopting this resolution, especially as the action of the Senate, even so far, on this map and report, would give them a sort of sanction which ought not to be given them, while it was known that they had not been accepted by the British Government, and no intimation had been given that they would be adhered to. Mr. Allen, therefore, moved to lay the resolution finally on the table; but on its being observed that Mr. Buchanan had left the Senate, and might wish to say something further on the subject on Monday, Mr. Allen withdrew his resolution, and the resolution was laid over till Monday.

No. 7.

Viscount Palmerston to Mr. Fox.

Sir, *Foreign Office, August* 19, 1840.

IN my despatch, of the 3rd of June last, I stated to you how desirable it seemed to be, that no time should be lost in endeavouring to settle with the Government of the United States, some temporary arrangement which should effectually prevent local collisions within the Disputed Territory, during the period which might yet elapse before the question of Boundary should be finally determined; and I instructed you to call the attention of the President to the inconveniences which were likely to result from the present state of things in that quarter, and to say that it was the opinion of Her Majesty's Government, that the best way of preventing the friendly relations between the United States and Great Britain from being interrupted by the indiscreet acts of local authorities, would be to place these matters in the hands of the two Governments; and that, for this purpose, Her Majesty's Government would propose that an agreement, to be recorded by a Protocol, or by an exchange of Notes, should

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be come to between you, on the part of Her Majesty's Government, and Mr. Forsyth, on the part of the Government of the United States, purporting that two Commissioners should be appointed, one by each Government, who should have charge of maintaining order in the Disputed Territory, during the interval of time which might elapse before the question of Boundary should be finally settled.

I then pointed out the means which I considered best adapted to carry this object into effect by the employment, under the directions of the above-mentioned Commissioners, of a civil force in the capacity of constables, to consist of an equal number of British subjects and of American citizens.

With reference to that instruction, I now transmit to you a copy of a despatch marked Confidential, dated the 27th of June last, from the Governor-General of British North America, to the Secretary of State for the Colonial Department, stating his views with respect to the negotiation of a provisional agreement respecting the exercise of jurisdiction in the Disputed Territory, pending the settlement of the general question.

It appears from this despatch, that Mr. Thomson is of opinion, and his reasoning thereupon seems conclusive, that it would be much better that the force to be employed for these purposes should be composed of regular troops of the British and United States' Governments, than that the duties should be done by civil posse on either side.

I have consequently to instruct you to negotiate upon this matter with the United States' Government in accordance with the views stated in Mr. Thomson's despatch.

I am, &c.,
(Signed) PALMERSTON.

No. 8.

Mr. Fox to Viscount Palmerston.—(Received September 1.)

My Lord, *Washington, July* 30, 1840.

I HAVE had the honour to receive your Lordship's despatch of the 4th of this month, acquainting me, for communication to the Government of the United States, that Lieutenant-Colonel Mudge and Mr. Featherstonhaugh, the Commissioners appointed last year to explore and survey the Disputed Territory, having been prevented by want of time, and by the advanced period of the season, from completing their examination and survey of a portion of the Boundary Line claimed by the United States, lying north of the River St. John and in the vicinity of the River St. Lawrence; and that Her Majesty's Government having determined that such examination and survey should now be completed, Lieutenant Broughton, of the Royal Engineers, and Mr. James D. Featherstonhaugh, have been selected as joint surveyors for that service.

I have the honour herewith to inclose the copy of a letter which I have addressed to the Secretary of State of the United States, officially communicating to him the above information.

I have, &c.,
(Signed) H. S. FOX.

Inclosure in No. 8.

Mr. Fox to Mr. Forsyth.

Sir, *Washington, July* 28, 1840.

I HAVE been directed by Her Majesty's Government to acquaint you, for the information of the Government of the United States, that Lieutenant-Colonel

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Mudge and Mr. G. W. Featherstonhaugh, the Commissioners appointed last year to explore and survey the territory in dispute between Great Britain and the United States, having been prevented by want of time and by the advanced period of the season, from then completing their examination and survey of a certain portion of the Boundary Line claimed by the United States lying north of the River St. John and in the vicinity of the River St. Lawrence; and Her Majesty's Government having determined that such examination and survey shall now be completed, Lieutenant Broughton of the Royal Engineers, and Mr. James D. Featherstonhaugh, have been selected as joint surveyors for that service. These gentlemen have arrived from England at Halifax, on board the steam-ship "Britannia;" and they will immediately proceed to execute the objects of their Commission.

I avail myself, &c.

(Signed) H. S. FOX.

No. 9.

Mr. Fox to Viscount Palmerston.—(Received September 1.)

My Lord, *Washington, July* 30, 1840.

IN my despatch of the 5th of this month, I had the honour to inclose a printed copy of the President's Message to Congress of the 27th of June, in which, after transmitting the last correspondence between the United States' Secretary of State and myself upon the subject of the Boundary Negotiation, and referring to the report of the British Commissioners Colonel Mudge and Mr. Featherstonhaugh, which had been communicated by me to the United States' Government, the President called upon Congress to enable the Executive to effect a new preparatory survey, by American Commissioners, of those parts of the Disputed Territory which are especially treated of in the Report of the British Commissioners.

An Act was accordingly passed by the two Houses of Congress, shortly before their adjournment on the 21st of this month, appropriating the sum of 25,000 dollars for the purpose required.

The nomination of the American Commissioners has been made without delay; and they will commence their labours early in the month of August.

I have the honour to inclose the copy of an official letter addressed to me by the Secretary of State, acquainting me with the appointment of the American Commissioners, and informing me of the mode in which it is intended they should prosecute their investigations. I likewise inclose the copy of my reply to Mr. Forsyth's letter. I transmit copies of this correspondence to his Excellency the Governor-General, and to the Lieutenant-Governor of New Brunswick.

I have, &c.,

(Signed) H. S. FOX.

Inclosure 1 in No. 9.

Mr. Forsyth to Mr. Fox.

Sir, *Department of State, Washington, July* 25, 1840.

I HAVE the honour to acquaint you for the information of the Government of Her Britannic Majesty and of the Authorities of the North American British Provinces, that the President of the United States, in accordance with the provisions of a recent Act of Congress, has appointed Mr. James Renwick, Mr. Parker Cleveland, and Captain Andrew Talcott, accompanied by a proper number of assistants, to proceed to the territory in dispute between the United States and Great Britain on the north-eastern frontier of this Republic, for the purpose of making, during the present summer, a topographical survey of various parts of

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that and the adjoining regions for the use and information of the American Government. This step, it is proper to state, has been taken in consequence of the execution of a similar measure on the part of Her Majesty's Government, the results of which were lately communicated by yourself; the Commissioners above-named are instructed to meet at Portland, in the State of Maine, early in August next, and will thence proceed forthwith to the performance of the duties which have been assigned to them respectively. With a view to the prompt discharge of this service, the President has deemed it expedient to separate the Commission into three several field parties, and to direct that their operations be prosecuted simultaneously in different parts of the disputed and adjoining territory. The Commissioners will subsequently meet together at some convenient place, and make a joint report to this department of the result of their labours.

I avail myself, &c.,

(Signed) JOHN FORSYTH.

Inclosure 2 in No. 9.

Mr. Fox to Mr. Forsyth.

Sir, *Washington, July* 28, 1840.

I HAVE the honour to acknowledge the receipt of your letter of the 25th instant, in which you acquaint me, for the information of Her Majesty's Government, that, in accordance with the provisions of a recent Act of Congress, the President has appointed Mr. James Renwick, Mr. Parker Cleveland, and Captain Andrew Talcott, accompanied by other persons as assistants, to proceed to the territory in dispute between Great Britain and the United States on the north-eastern frontier of the United States, for the purpose of making during the present summer a topographical survey of various parts of that and the adjoining regions, for the use and information of the American Government.

I shall not fail duly to make known the above communication, and the information which you also convey to me of the method of proceeding which the American Commissioners are directed to adopt, both to Her Majesty's Government in England, and to Her Majesty's Colonial Authorities in North America.

I avail myself, &c.

(Signed) H. S. FOX.

No. 10.

Mr. Fox to Viscount Palmerston.—(Received September 1.)

(Extract.) *Washington, July* 30, 1840.

I HAD the honour to receive, by the Messenger Crotch, your Lordship's despatch of the 30th of June, conveying to me the Draft of a Convention prepared by Her Majesty's Government for acceptance by the Government of the United States, for the appointment of two Commissioners, the one to explore and survey the disputed Line of Boundary between the British possessions in North America and the Republic of the United States on the North-Eastern Frontier of the United States, and to lay down that Line of Boundary in conformity with the Treaty of 1783; the other, to arbitrate on those points with respect to which the first Commission may be unable to come to a decision.

I have officially transmitted the Draft of Convention to the United States' Government, and in making that communication I have addressed the inclosed note to the Secretary of State, embodying the instructions and the substance of the principal observations contained in your Lordship's despatch.

I cannot, of course, as yet pretend to say what will be the result of this just and pacific offer on the part of Her Majesty's Government.

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No formal answer will probably be returned until consultation shall have been had between the President's Government and the State of Maine; possibly not until after the State of Maine shall have given its vote for the Presidential election in the beginning of next November. The position of things is undoubtedly at this moment more favourable to a satisfactory settlement of the Boundary Question, than it has been for the last few years preceding. The people of Maine, from several causes, have been made to stand aside, and to leave the Boundary negotiation in the hands of the National Government; and what is the most important, the restored tranquillity of Canada and the pacification of the Canadian Frontier, have for the present rendered the Question of the North-Eastern Boundary an isolated question, and therefore comparatively uninteresting and unimportant to the rest of the United States excepting Maine.

Although I think it probable, as is above stated, that no definite or formal answer will for some weeks, or perhaps months to come, be returned by the United States Government to the Draft of Convention now offered by Great Britain, yet I shall hope shortly to obtain, informally, some knowledge of the President's own wishes and opinions upon the subject. Congress adjourned on the 21st of this month, to meet again on the 4th of next December. The correspondence which is now passing between the two Governments will consequently not be made public in the United States until that period.

(Signed) H. S. FOX.

Inclosure in No. 10.

Mr. Fox to Mr. Forsyth.

Washington, July 28, 1840.

THE Undersigned, Her Britannic Majesty's Envoy Extraordinary and Minister Plenipotentiary, has the honour herewith, by direction of Her Majesty's Government, to convey to the Secretary of State of the United States the Draft of a Convention between the two Governments, for the appointment of two Commissions: the one, to explore and survey the line of Boundary between the British provinces of New Brunswick and Canada and the United States, and to determine and lay down that Boundary in conformity with the Treaty of 1783; the other Commission to arbitrate on those matters with respect to which the first Commission may be unable to come to a decision.

Her Majesty's Government are persuaded that the Draft of Convention now offered will be received as a fresh proof of the earnest desire of Her Majesty's Government to bring the long-pending question of disputed boundary to a just and satisfactory conclusion.

It will be recollected that the Government of the United States made a proposal to Great Britain in the year 1833, that a Commission of Survey should be appointed by the two Governments, to search for the highlands of the Treaty of 1783. Her Majesty's Government accepted that proposal in substance, but suggested certain modifications in its details. The most important of those modifications were assented to by the United States; and Her Majesty's Government prepared the Draft of a Convention, of which the preamble recited the agreement that had been come to by the two Governments, and of which the articles were so framed as in the opinion of Her Majesty's Government to secure the just execution of that agreement.

But when the Draft of Convention, so prepared, was received at Washington, the Government of the United States appeared materially to have changed its views; and, without assigning at the time any specific reason for not abiding by an agreement which had been come to with respect to a proposal first originating with itself, the Government of the United States transmitted to England in reply a Draft of Convention differing essentially from that in which the British Government thought they had embodied the result of an agreement previously negotiated.

The chief motive assigned, or rather implied at the time, by the Government of the United States for rejecting the British Draft of Convention, and which motive has since been more distinctly expressed in a recent note from the Secretary of State to the Undersigned, was, that in the actual state of things it

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had become inexpedient for the two Governments to take any new measure in the negotiation of the Boundary Question which should not carry within itself the certainty of leading to a final settlement. Her Majesty's Government entirely concur in that opinion: and they think the Draft of Convention which they proposed last year will be found, upon examination, to have contained provisions which must necessarily have led to a final adjustment.

The British Draft did not, indeed, contain any provision for referring to arbitration those points whereon the members of the Commission, and the two Governments who were to appoint them, might be unable to agree; and it is undoubtedly true that such a provision is the best calculated, in questions like the present, to ensure a final settlement. But the chief cause why the British Draft of Convention did not contain a provision for the final adjustment of disputed points through the arbitration of friendly Sovereigns or States, was, that no such provision had been then definitely proposed by the Government of the United States; but that, on the contrary, it was understood that the State of Maine distinctly refused its consent to any further arbitration by a foreign Power.

The American Counter-Draft of Convention, transmitted to England in the summer of last year, contains a definite provision for arbitration; and Her Majesty's Government, earnestly desiring to see the question of Boundary finally settled, and aware that there is little prospect of its ever being so settled without the introduction, in some shape or other, of the principle of arbitration, now willingly agree to adopt that principle.

The Draft of Convention, therefore, now offered by Her Majesty's Government, contains a provision for establishing a Commission of Arbitration.

The American Counter-Draft has appeared to Her Majesty's Government, in other respects, and in many of its details, to be open to serious objections.

While Her Majesty's Government consent, as is above stated, to adopt the principle of arbitration, and are willing also to assent to the particular mode proposed by the President of the United States for constituting the arbitrating authority, Her Majesty's Government are, at the same time, of opinion that there will be no advantage in carrying beyond the limits of necessity the employment and application of the arbitrating Power.

The provisions of the American Draft appear to Her Majesty's Government to carry the application of the arbitrating Power beyond what the necessity of the case requires.

It is proposed in that Draft to stipulate, that if the Joint Commission to be appointed by the two Governments shall not be able to agree as to the whole Boundary, then the determination of the whole of the Boundary is to be referred to the Commission of Arbitration, who are to decide the entire line from the Monument at the head of the River St. Croix to the point where the 45th degree of north latitude strikes the River St. Lawrence.

Now it may happen that the arbitrating Commission may be obliged to decide and determine the whole of the line in question; in the event, that is to say, of the Commission of Survey being unable to agree upon any part of it. But it appears needless to assume that such will be the case: and Her Majesty's Government are of opinion that the preferable course will be, to provide that the Commissioners of Survey shall decide finally all points upon which they can agree; and that it shall be those points only upon which the Commission of Survey cannot agree, that the Commission of Arbitration shall be called upon to determine.

It is further proposed in the American Draft, that each Government shall make out a statement to be laid before the Commission of Arbitration. Her Majesty's Government are of opinion that it will be much better that the documents to be laid before the Commission of Arbitration shall be the Reports of the Commission of Survey, accompanied by any observations which each Government may think fit to make thereupon.

The American Draft of Convention proposes that the Commission of Arbitration shall be empowered to appoint surveyors to make surveys, and that the two Governments shall bind themselves to adopt, as conclusive, the Reports of these irresponsible surveyors. Such a proposal appears to Her Majesty's Government to be wholly inadmissible: and instead thereof, the Draft now offered provides, that any topographical information wanted by the Commission of Arbitration shall be obtained, through the two Governments, from the Commission of Survey.

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The above are the most material points of detail, in which the provisions of the Draft of Convention now offered by Her Majesty's Government will be found to differ from the provisions of the Draft proposed by the Government of the United States in the summer of last year.

It is necessary, however, to notice two or three passages contained in the American Draft of last year, which have been omitted in the Draft now offered, having appeared to Her Majesty's Government altogether inadmissible.

The first is that part of the American preamble, in which, by what professes to be merely a topographical description, the Contracting Parties would, in fact, be made jointly to affirm, that the Line of Boundary claimed by the United States corresponds with the words of the Treaty of 1783, and that the Line claimed by Great Britain does not. The words referred to are these: "The United States claiming as the position of the said north-west angle of Nova Scotia, a point due north of the source of the River St. Croix, on the highlands lying north of the River St. John, and which divide those rivers that empty themselves into the River St. Lawrence, from those which fall into the Atlantic Ocean; and Great Britain claiming as the position of said north-west angle of Nova Scotia, a point on a highland called Mars Hill, lying south of the River St. John, and dividing those waters which empty themselves into the River St. John from those which fall into the Atlantic Ocean." The wording of this passage of the Preamble,—of that part of the Convention, namely, which is intended to recite the points at issue without deciding them,—may, it is probable, have been adopted inadvertently; for it is not to be supposed that the Government of the United States could deliberately expect that the passage would be agreed to by the British Government.

The second passage, now omitted, occurs in the Xth Article of the American Draft, where it is proposed that Mitchell's map should be acknowledged as a document bearing upon the question of Boundary to be decided. But Mitchell's map is well known to be full of the grossest geographical faults, and to be remarkable, especially, for extraordinary errors in the latitude and longitude of places. As Mitchell's map is neither mentioned, nor in any way referred to, in the Treaty of 1783, and as that Treaty is the authority now to be expounded, Her Majesty's Government cannot consent to attribute any value to a work which is not in itself entitled to consideration, either upon diplomatic or scientific grounds.

The third is a passage in Article XIV. of the American Draft, which seems to imply that agents of the two Governments shall accompany the Commission of Survey, for the purpose, as it is said, of giving explanations on behalf of the respective parties. Her Majesty's Government cannot give its consent to such an arrangement. No such agents are necessary, and no such explanations are wanted. The face of the country, and the words of the Treaty are the things to be explained; and the Commissioners will be there to explain them. The presence of the proposed agents would only serve to maintain a perpetual quarrel, and would convert the encampments of the Commissioners into scenes of incessant conflict and debate. Her Majesty's Government, therefore, will be prepared to provide that no agent, either on the part of Great Britain or on the part of the British Colonial authorities, shall be permitted to accompany the Commission of Survey; and will require, in like manner, that the Commission of Survey shall not be accompanied by agents either from the Government of the United States, or from the State Government of Maine.

Lastly, it is provided in the Draft of Convention now offered, that the Commission of Survey shall meet at Quebec, and that it shall commence its labours of exploration at the head of the Connecticut River. This, in the opinion of Her Majesty's Government, will be the most natural, and for many reasons the most expedient arrangement. The Commissioners will thus have the advantage of beginning their operations upon highlands, which have already been acknowledged by both parties to be the highlands of the Treaty of 1783, and to constitute a part of the Boundary between the two countries. It is, however, at the same time proposed to be stipulated that the Commission shall be bound to survey any other part of the disputed territory which two Commissioners, on either side, may wish to visit; provision being thus effectually made for the successive examination, if required, of every part whatever of the Territory in dispute.

The Undersigned, &c.,

(Signed) H. S. FOX.

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No. 11.

Mr. Fox to Viscount Palmerston.—(Received September 1.)

My Lord, *Washington, August* 4, 1840.

IN my despatch of the 30th ultimo I had the honour to inclose the copy of an official letter, in which I had informed the United States' Secretary of State, of the Commission entrusted to Lieutenant Broughton and Mr. James Featherstonhaugh, to make, during the present season, for the information of Her Majesty's Government, a supplementary survey of certain parts of the disputed territory lying north of the River St. John.

I have received from Mr. Forsyth the inclosed official letter in reply, in which he acquaints me that the President has communicated the information to the Executive Government of the State of Maine. I have forwarded copies of the correspondence to his Excellency the Governor-General, and to the Lieutenant-Governor of New Brunswick.

I have, &c.
(Signed) H. S. FOX.

Inclosure in No. 11.

Mr. Forsyth to Mr. Fox.

Department of State,
Sir, *Washington, August* 4, 1840.

I HAVE the honour to acknowledge the receipt of the note which you addressed to me on the 28th ultimo, by direction of Her Britannic Majesty's Government, acquainting me, for the information of that of the United States, that Lieutenant-Colonel Mudge and Mr. G. W. Featherstonhaugh, the Commissioners appointed last summer to explore and survey the territory in dispute between the United States and Great Britain, having been prevented from completing their survey and examination of a certain portion of the Boundary Line claimed by the United States, and Her Majesty's Government having determined that such examination and survey shall now be completed, Lieutenant Broughton, of the Royal Engineers, and Mr. James D. Featherstonhaugh, have been selected as joint surveyors for that service; and that these gentlemen had arrived at Halifax, and would immediately proceed to execute the objects of their commission.

I have duly submitted your communication to the President, and will, by his direction, transmit a copy of it to the Executive of the State of Maine.

I avail myself, &c.,
(Signed) JOHN FORSYTH.

No. 12.

Mr. Fox to Viscount Palmerston.—(Received September 1.)

My Lord, *Washington, August* 15, 1840.

Mr. FORSYTH invited me to a conference two days since, when he read to me the draft of an informal note, herewith inclosed, which the President had directed him to address to me, together with a second American Counter-Draft of Convention (also herewith inclosed), for the establishment of the North-Eastern Boundary Commission, in reply to the Official Note and British Draft of Convention, which I had presented to him on the 28th of last month, as I had the honour to report to your Lordship in my despatch of the 30th ultimo.

Mr. Forsyth appeared to expect, that if I approved myself of the modifications introduced into this second American Draft, I should consider myself

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authorized to accept it, and to sign the Convention, without further reference to Her Majesty's Government, with the exception of the XVIth and XVIIth Articles, which he thought might be agreed to and signed as a separate or supplementary contract, *sub spe rati*.

I immediately, however, saw, that the changes and additions proposed in this new Counter-Draft were much too important to admit of such a course, even if, in my own opinion, I acquiesced in or approved of them, which most assuredly I do not.

I have, therefore, only consented to receive and to transmit this new proposal to Her Majesty's Government, and I shall await your Lordship's orders.

The principal and most objectionable alterations are those introduced in Articles II., III., IV., VII., and X., of the present Draft. The new and additional arrangement proposed in Articles XVI. and XVII., above referred to, will not perhaps be judged inadmissible, although the Articles themselves, as now worded, do not express with sufficient distinctness that which I believe to be the object aimed at by the President in proposing them.

It is in some degree satisfactory to find, that the subjects of difference between the proposals of the two Governments are now much narrowed, in comparison with what they formerly have been; and that as they relate to details, and not to principles, the hope of finally reconciling them is not precluded.

As the present American Draft, however, was not furnished to me in a complete and official form until yesterday, I have not yet had time to examine and compare all the Articles with sufficient attention. I shall forward to your Lordship a duplicate copy by the steam-packet which leaves New York on the 1st of September, and shall at the same time have the honour to address your Lordship more at large upon the subject.

I have, &c.,
(Signed) H. S. FOX.

Inclosure 1 in No. 12.

Mr. Forsyth to Mr. Fox.

Department of State,
Washington, August 13, 1840.

Sir,

IN order to facilitate the transaction of the important business committed to them,—the negotiation of a Convention of Exploration and Survey, and of Arbitration between the United States and Great Britain,—the Secretary of State, in place of a formal answer to Mr. Fox's Note of the 28th ultimo, submits to his consideration the following observations upon it, and upon the respective projects of the two Governments:—

With regard to the change of views of the President respecting the Commission of Exploration and Survey again brought forward in Mr. Fox's letter, it is not necessary to add anything to the satisfactory explanation already given, except to remind Mr. Fox of the time which elapsed between the period when the parties came to an understanding upon the subject, and that at which the British Draft of Convention was communicated,—an interval of more than twelve months. The circumstances which occurred in the meanwhile connected with the question in dispute, necessarily modified the views of both parties,—circumstances which, it is believed, would not have occurred, had measures been immediately taken by Her Majesty's Government for carrying into effect the agreement between the parties.

The points to be submitted to the Commission of Arbitration in the accompanying American Draft, will be found to be identical with those contained in the British Draft. Her Majesty's Government has mistaken the intention of the American project, which was to submit to the Arbitrators for decision merely those points on which the Commission of Exploration should have disagreed, the Vth Article providing that the facts on which four of them concurred in opinion should be held to be conclusive.

The change proposed by Her Majesty's Government that, instead of a statement to be laid before the Commission of Arbitration by each of the Contracting Parties, which is assumed to be the American proposition, the

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reports of the Commission of Survey accompanied by such observations as each Government may think fit to make thereupon should be substituted, is adopted by the American Government, it being not substantially different from the proposition imputed to it.

With regard to the three passages in the American Counter-Project which Her Majesty's Government has deemed inadmissible, the Undersigned has to remark with respect to the first, that it was intended simply as a statement of what was understood in fact to be the claims of the respective parties: it was prepared certainly without any view of inducing the British Government to make any injurious admissions, or to bind her down to the line stated to be claimed by her. The American Government has no objection to the substitution of a general description of the line as proposed by Her Majesty's Government.

With regard to the second omitted passage relating to Mitchell's map, the Secretary of State does not comprehend the precise force of the objection made to the introduction of it in the Xth Article of the American Counter-Draft. In the former Treaty of Arbitration, it is acknowledged by the two Governments, that the map called Mitchell's map regulated the framers of the Treaty of 1783 in their joint and official proceedings, and is agreed to be considered by the Contracting Parties as evidence of the topography of the country. Although, therefore, Mitchell's map may be full of geographical faults, and is neither mentioned nor referred to in the Treaty of 1783, it is not perceived how Her Majesty's Government can refuse to attribute to the work any value either upon diplomatic or scientific grounds, or deny that it is a document bearing upon the question of boundary to be decided. Mr. Fox will see that the Xth Article of the American Counter-Project does not go as far as the admission of Her Majesty's Government in 1827 would authorize, but simply contains an acknowledgment, that it is a document bearing upon the question without reference to its general or particular geographical accuracy. The President of the United States, therefore, instructs the Undersigned to say, that under this view of the matter he presumes Her Majesty's Government will not refuse to admit the Xth Article as now again proposed.

The President acquiesces in the modification produced by the third omission with respect to agencies.

With regard to the place of meeting of the Commission of Survey which Mr. Fox remarks upon, the proposition in the Counter-Project of the American Government was copied from the first Draft offered by the Government of Her Britannic Majesty; and the President does not perceive that there can be any particular benefit derived from the change proposed. On the best reflection, it has been deemed better to suggest, if any change is to be made, a new place for the preparatory meeting of the Commissioners, where they shall, themselves, decide at what point of the Boundary Line they will begin. For this purpose the Draft of a new Article is submitted.

There is one omission in the British Counter-Draft of which no notice is taken in Mr. Fox's Note. It is that of the Article in the American Project which authorizes either party to seek in the records of the other for evidence as to the intentions of the framers of the Treaty of 1783. Whether this omission is inadvertent or intentional is matter of conjecture. The Article is now reintroduced with the view of ascertaining whether Her Majesty's Government will find any insuperable objection to agreeing to it, as the President considers it of great importance both as a means of reaching the truth and approving the perfect confidence of the two Governments in the justice of their respective pretensions, and of their sincere desire to ascertain the true line of boundary, by all the means within their power.

Mr. Fox will observe that there are two Additional Articles inserted in the American Draft now presented. They have been introduced with the simple view of ascertaining the possibility of terminating, in the shortest possible time, this long-protracted and vexatious dispute, in a manner that might be acceptable to all the parties interested.

The Undersigned, &c.,

(Signed) JOHN FORSYTH.

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Inclosure 2 in No. 12.

Second American Counter-Draft of Convention for the establishment of North-Eastern Boundary Commissioners.

PREAMBLE.

WHEREAS that portion of the boundary between the British dominions in North America and the United States of America, described in the Treaty of Peace signed at Ghent, on the 24th of December, 1814, as extending "from the source of the River St. Croix, directly north, to the north-west angle of Nova Scotia, thence along the said highlands which divide those rivers that empty themselves into the River St. Lawrence from those which fall into the Atlantic Ocean, to the north-westernmost head of Connecticut River; thence down along the middle of that river to the 45th degree of north latitude; thence by a line due west on said latitude, until it strikes the River Iroquois or Cataraguy," has not yet been determined; and whereas the point designated in the Treaty of Peace of 1783, between the two Powers, as the north-west angle of Nova Scotia, and which is to be formed by the intersection of the due north line from the head of the St. Croix with the said highlands has not been ascertained; and whereas by the stipulations of a Convention between the United States of America and Great Britain, signed at London on the 29th of September, 1827, the points of difference which had arisen out of the proceedings of the Board of Commissioners to whom the designation and demarcation of the said portion of boundary was entrusted under the Vth Article of the aforesaid Treaty of 1814, were referred to the arbitration of the King of the Netherlands; and whereas the decisions and opinions given by His Netherlands' Majesty thereupon, as laid down in His said Majesty's award, signed at the Hague, on the 10th of January, 1831, failed to adjust the said points of difference; and whereas Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, and the President of the United States, have deemed it expedient to appoint a new Commission of Exploration and Survey, for the purpose of laying down the said boundary in conformity with the stipulations of the aforesaid Treaty of 1783, and have moreover agreed upon certain arrangements to provide for an equitable and final decision of all points upon which the British and American members of such Commission may not be able to agree; and whereas Her Britannic Majesty and the President of the United States have, with this view, resolved to conclude a Convention for regulating the proceedings of the said Commission, they have therefore named as their Plenipotentiaries for this purpose, that is to say: Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, &c., and the President of the United States of America, &c., who, after having communicated to each other their respective Full Powers, found to be in due form, have agreed upon and concluded the following Articles:—

ARTICLE I.

Within months after the exchange of the ratifications of the present Convention, the Two High Contracting Parties shall appoint a Commission, to be composed in the following manner:—Three Commissioners shall be named by Her Britannic Majesty, and three by the President of the United States of America, by and with the consent of the Senate thereof. And these Six Commissioners so appointed, shall have power to appoint a Secretary and such other assistants as they shall judge necessary to enable them to execute efficiently the duties of their Commission.

ARTICLE II.

The said Commissioners shall meet in the first instance at the City of Boston, and shall have power to adjourn their meetings to such other place or places as they shall think fit. But before they enter upon the duties of their

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offices, they shall each, in the presence of all the others, make oath or affirmation, before the principal Magistrate residing, or acting, at the said city of Boston, that they will impartially examine and decide, according to the best of their skill and judgment, all points relating to their duties as Commissioners; and having done this, they shall then forthwith enter upon the discharge of their duties as hereinafter defined.

ARTICLE III.

The line of boundary having been already ascertained and agreed upon from the mouth of the St. Croix River to its source, as marked by the monument placed there by the joint Commission appointed for that purpose by the two Governments, the Commissioners to be appointed according to the preceding Article I., shall proceed to explore those portions of the boundary between the United States of America and the British Dominions in North America, which are described as extending "from the source of the River St. Croix directly north to the north-west angle of Nova Scotia, thence along the said Highlands which divide those rivers that empty themselves into the River St. Lawrence from those which fall into the Atlantic Ocean, to the north-westernmost head of Connecticut River; thence down along the middle of that river to the 45th degree of north latitude; thence by a line due west on said latitude, until it strikes the River Iroquois or Cataraguy."

In the performance of the duty hereby assigned to them, they shall commence at such point to explore the several portions of said boundary, as two of the three American, and two of the three British, Commissioners shall determine; and in case of disagreement between them, then at such point as may be decided by lot.

The Commissioners, having made a general survey of the country along which the line of boundary is to run, shall proceed to lay that boundary down accurately on the surface of the earth, and to mark it by monuments and other landsmarks.

For this purpose they shall first proceed to lay down the line from the monument at the head of the St. Croix to the north-west angle of Nova Scotia; and from thence along the highlands described in the Treaty of 1783, to the north-westernmost head of Connecticut River; thence down the middle of that river to the 45th degree of north latitude; thence by a line due west on said latitude, until it strike the River Iroquois or Cataraguy.

The Commissioners shall make a report of their proceedings, and shall prepare a map of the Boundary Line, or of such parts thereof as they may have eed upon: such report and map shall be prepared in duplicate, and shall be signed and sealed by the Commissioners; and one copy of the said report and map shall be transmitted to the Government of the United States, and the other copy to the British Government.

ARTICLE IV.

It shall be the duty of the Commissioners to explore and survey all such other parts of the disputed and contiguous territory, besides those mentioned in the preceding Article, as any two of the Commissioners on either side may think it would be useful to examine, in order the better to ascertain the true boundary intended by the Treaty of 1783.

ARTICLE V.

Whenever two of the three British Commissioners and two of the three American Commissioners shall agree upon any point or matter, the unanimous opinion and decision of those Four shall be deemed and taken to be the opinion and decision of the Commission, and such opinion and decision shall be recorded, and shall be signed by the Four concurring Commissioners, and shall be reported by them to the two Governments; and it is hereby agreed between the Contracting Parties, that every opinion and decision so recorded and reported by the Commission shall be deemed final, and shall be held binding upon both the High Contracting Parties.

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ARTICLE VI.

Each of the High Contracting Parties shall be at liberty to lay before the Commission, for its information, copies of any official documents, or of any maps or surveys which such Contracting Party may think calculated to throw light upon the matters which the Commission is appointed to investigate, or likely to assist the Commission in the performance of its duties. But no such maps or surveys shall be deemed by the Commissioners to be other than *ex parte* evidence, furnished in order to assist the Commission in its own investigations, unless such maps and surveys shall be acknowledged and signed by two Commisssioners on each side, as authentic evidence of the facts upon which they may bear.

Each of the High Contracting Parties will give to the other copies of any documents, maps, or surveys, which such Party may so lay before the Commission.

ARTICLE VII.

It being the object, as it is the earnest desire, of the High Contracting Parties to effect a just and amicable settlement of the line of boundary in question, by the direct action of the joint Commission hereby established; or if that shall prove impracticable, to obtain authentic evidence of all material facts that are connected therewith for the better guidance of the future action of the High Contracting Parties upon the subject, it is agreed between them that it shall be the duty of the said Commissioners to collect as far as they may be able to obtain the same, and carefully authenticate all such maps and surveys of the disputed and of the contiguous territory, and all official documents having relation to the premises, as will, in the opinion of the Commissioners, or of any two on either side, serve to elucidate the true intent and meaning of the parties to the Treaty of 1783 upon the point in question; and to this end, the High Contracting Parties further agree to furnish each other with authentic copies of all maps and surveys of the disputed and contiguous territory, and also with like copies of all official documents connected with the negotiation of the said Treaty which are to be found in the public archives of the respective Governments, and which two of the said Commissioners on either side shall believe to have a bearing upon the subject under discussion.

ARTICLE VIII.

If it should happen that upon any points or matters which may come under the consideration of the Commission within the scope of its duties, four of the Commissioners aforesaid, that is to say, two on each side, should be unable to come to an united opinion or decision, the Commissioners shall draw up, either jointly or separately, a report or reports, stating and explaining in detail the points on which they differ, and the grounds upon which their respective opinions have been formed.

The reports of the Commissioners on both sides shall be prepared in duplicate, and one original copy of each, together with copies of all documents or maps annexed thereto, shall be transmitted by the British Commissioners to the British Government, and the other copy shall be transmitted by the American Commissioners to the Government of the United States.

ARTICLE IX.

If the two Governments should not be able, upon a review of the statements of the Commissioners, to come to an understanding upon the points about which the Commissioners shall have so differed, such points shall, at the desire of either of the two Governments, be referred for decision to a Commission of Arbitration, consisting of three persons eminent for their scientific attainments, and not being citizens of the United States or subjects of Great Britain.

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The President of the United States and Her Britannic Majesty engage to choose three friendly Sovereigns or States, each of whom shall be invited by the High Contracting Parties to name and appoint one of the aforesaid three Commissioners; and in order to prevent unnecessary delay, the two Governments shall at once proceed to take steps for establishing this Commission of Arbitration.

ARTICLE X.

The map called Mitchell's Map, hitherto admitted to have regulated the joint and official proceeding of the framers of the Treaty of 1783, shall be considered as evidence mutually acknowledged by the Contracting Parties as bearing upon the question to be decided.

ARTICLE XI.

As soon as the Members of the Commission of Arbitration shall have been named and appointed, they shall meet at [Frankfort on the Maine?]

They shall, in the presence of each other, be sworn, impartially, and, to the best of their judgment, to examine and decide, according to the evidence laid before them, all matters which may be referred to them by the Governments of the United States and Great Britain, jointly.

They shall have power to adjourn, from time to time, and from place to place, and to appoint a secretary and clerks, who shall not be citizens of the United States or subjects of Great Britain.

ARTICLE XII.

The documents to be submitted to the Commission of Arbitration by the Governments of the United States and of Great Britain, shall be Reports made to those Governments by the Commissioners of Exploration and Survey, of points about which those Commissioners have differed, and of the points about which they have agreed, together with any observations which either Government may choose to make upon the statements and reports of the Commissioners of Exploration and Survey on the matters about which those Commissioners may have differed; and if the Commission of Arbitration should need any further topographical information to enable them to decide any of the points so submitted to them, they shall apply to the two Governments, who shall thereupon direct the Commission of Exploration to supply them with such information, in order to its being transmitted by the said Governments to the Commission of Arbitration.

ARTICLE XIII.

The decision of a majority of the Commission of Arbitration shall, upon being communicated to the two Governments signed and sealed by the Commissioners, be held by the American and British Governments to be final and binding as to the points which such decisions may determine.

ARTICLE XIV.

The salaries of the said Commissioners of Exploration and Survey, to be appointed according to the preceding Article I., shall be defrayed by their respective Governments; but all other expences attending the Commission shall be defrayed in equal portions by the two High Contracting Parties.

In case of the death, resignation, or disability, from any cause, of any Commissioner, the Government by which he was appointed shall name a successor with the least possible delay; and each new Commissioner shall be bound to take the same oath or affirmation, and to perform the same duties as his predecessor.

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ARTICLE XV.

The salaries and all expences of the Commission of Arbitration to be appointed according to the preceding Article IX., shall be defrayed in equal portions by the Governments of the United States and of Great Britain, upon accounts to be rendered periodically to each Government by the said Commission.

ARTICLE XVI.

It being possible, and, if so, highly desirable, that a Conventional Line may be agreed upon which will be satisfactory to all the parties in interest, and the necessity of a final umpirage of their conflicting claims be thereby superseded, it is with that view agreed by the immediate parties to this Convention, that it shall be at the option of the State of Maine to appoint, in such manner as her Legislature shall direct, two Commissioners who shall be associated with the Board of Commissioners of Exploration hereby established, for the purpose of making, receiving, discussing, and settling, in conjunction with the said Board, propositions for the establishment of a Conventional Line, upon the territory in dispute between the United States and Her Majesty's Colonies, but for no other purpose.

ARTICLE XVII.

It is further provided, that if the Commissioners appointed under this Convention, shall be able, in conjunction with those appointed by the State of Maine, to agree on a line upon the territory hereinbefore described, which shall be satisfactory to the Governments of the United States and Great Britain, and also to the State of Maine, and her assent to the same be given in such manner as her Legislature shall direct, at any time before a final decision is made in the matter by the Umpires hereby created, that then and in such case the Governments of the United States and Her Britannic Majesty will carry such agreement into full effect, and solemnly and finally ratify the same.

ARTICLE XVIII.

The present Convention shall be ratified, and the ratifications shall be exchanged in , within a period of .

In witness whereof, the respective Plenipotentiaries have signed the same and have affixed thereto the seals of their arms.

Done at Washington, the day of , in the year of our Lord one thousand eight hundred and forty .

No. 13.

Mr. Fox to Viscount Palmerston.—(Received September 18.)

My Lord, *Washington, August* 29, 1840.

I FORWARD by the present packet a duplicate of my despatch, of the 15th of this month, in which I had the honour to inclose the copy of a second Counter-Draft of Convention for the establishment of the North-Eastern Boundary Commissions, offered by the United States' Government in place of the British Draft of Convention transmitted to me in your Lordship's despatch, of the 30th of June; and the copy of a letter from Mr. Forsyth, dated the 13th of this month, communicating to me the said new American Counter-Draft, and containing various observations upon the points of difference between the present proposals of the two Governments.

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I now further inclose the copy of a letter which I addressed to Mr. Forsyth on the 17th instant, in reply to his communication of the 13th. I have in the reply declined entering into a full discussion of the articles of the new American Draft, until they shall have been submitted to the consideration of Her Majesty's Government.

It will be seen that the present American Draft differs from the British Draft in the Preamble, and in Articles II., III., IV., VII., and X.; and that it contains two additional Articles, XVI. and XVII., embracing new matter, and providing for an entirely new object. I refer here, of course, to the Articles as numbered in the American Draft.

The new Preamble proposed by the United States' Government does not, in substance, materially differ from the Preamble of the British Draft: and it is far less objectionable than the Preamble of the former American Draft. But it begins by reciting the points at issue between the two countries from the Treaty of Ghent of 1814, instead of recurring to the original description of the Boundary in the Treaty of 1783, which original description it will be the business of the Commissioners now to be appointed to reconcile with the natural face of the country if they can. I am also surprised to find, upon referring to the Treaty of Ghent, that the text of the Vth Article of that Treaty, which the New American Preamble professes to quote, is incorrectly quoted. The text is not actually altered, but it is curtailed in such manner as to draw attention more pointedly to the north-west angle of Nova Scotia, and to lead an unwary reader to the inference, that the north-western angle of Nova Scotia, so pointed out, is a known and acknowledged position. With regard, however, to the final wording of the Preamble, if the differences now existing cannot be reconciled, it will perhaps be sufficient to adopt a still shorter and less pointed description of the Boundary in dispute, recording merely, "that the line of frontier between the two countries, according to the Treaty of 1783, has not yet been defined and ascertained to the satisfaction of both parties," or words to that effect. If, on the contrary, Her Majesty's Government do not object to the recital of the points at issue from the Treaty of Ghent, it is hardly to be supposed that the Government of the United States can find fault with having the Vth Article of that Treaty accurately and textually recited, instead of partially and cursorily.

In the IInd Article it is proposed that the Commissioners shall meet at Boston, instead of at Quebec. This change has been proposed apparently with a view to second and support a more important and objectionable change, contained in the next succeeding Article, the IIIrd, where the former proposal of beginning to mark the line of boundary from the eastern extremity, rather than from the western, is renewed. If the meeting of the Commissioners at Boston, rather than at Quebec, were insisted upon by the American Government merely as a point of etiquette, without any view of ulterior advantage, Her Majesty's Government might perhaps consent to the point being decided between the Commissioners themselves by lot.

In the IIIrd Article there is repeated, in the first paragraph, the same curtailed recital from the text of the Treaty of Ghent, which I have before had occasion to observe upon in treating of the Preamble. It is next proposed, in the second paragraph of the IIIrd Article, with regard to the point of departure to be taken by the Commissioners (namely, whether they shall commence their labours, as provided for in the IIIrd Article of the British Draft, at the head of the Connecticut River, or whether, as is desired by the United States' Government, at the source of the River St. Croix,) that this important question shall be decided by the Commissioners themselves, if a majority of two out of three on both sides can agree; and if they cannot agree, that it shall then be decided by lot. From the observations upon this point which are contained in Mr. Forsyth's letter to me of the 13th instant, as well as from what he has stated to me verbally, I am inclined to think that it will be very difficult, if not impracticable, to bring the United States' Government to a nearer approach to the British proposal than what is now offered, namely, to have the point decided by lot. It might perhaps be proposed with advantage, that the preliminary question now raised, namely, the point of departure of the Commissioners of Survey, should be decided, not by lot, but by reference to the Commissioners of Arbitration, if those Commissioners be named and selected before the Commissioners of Survey commence their labours. In whichever way the question may be decided, provision is equally made in the IVth

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Article, in accordance with the IVth Article of the British Draft, that all other parts of the disputed line shall be explored which two out of the three Commissioners on either side desire. In the fourth paragraph of the IIIrd Article it is proposed, that the Commissioners "shall first proceed to lay down the line from the monument at the head of the St. Croix to the north-west angle of Nova Scotia, &c." But this can, of course, only be understood as a provision dependent upon the decision in favour of the American side, whether by lot or otherwise, of the main point already referred to in the second paragraph of the IIIrd Article.

In the IVth Article it is again proposed, that the Commissioners of Survey shall, at the option of a majority on either side, proceed to explore the territories contiguous to the disputed territory, as well as the disputed territory itself. This extension of survey appears to be entirely unnecessary, and might lead to endless continuation and adjournment of the labours of the Commission. As far, however, as I can at present judge, it does not appear likely that the United States' Government will attach much importance to retaining this part of the Article.

The VIIth Article and the Xth Article will be found to contain matter of considerable importance. Their contents are likewise referred to in Mr. Forsyth's letter to me of the 13th instant. The Xth Article renews the proposal of admitting Mitchell's map as evidence bearing upon the question of boundary to be decided. The VIIth Article proposes, amongst other things, that it shall be the duty of the Commissioners, at the option of a majority of two out of three on either side, to collect and authenticate former maps and surveys of the disputed and contiguous territory; and that the two Governments shall mutually furnish to the Commission copies of such former maps and surveys as are to be found in their respective public archives. As the same objections, or nearly so, apply to both these proposals, they may best be treated of together. I very distinctly stated to Mr. Forsyth, when he first communicated to me the new Draft of Convention, that I was certain Her Majesty's Government would under no circumstances consent to admit either Mitchell's map, or any other map or chart, the topographical accuracy of which is challenged and denied by responsible surveyors who have been upon the ground, as evidence bearing upon the question of Boundary to be decided. And I did not conceal my astonishment that, after those objections had been raised, any party should persist in desiring to force such evidence into Court. The Surveying Commissioners are themselves to go upon the ground, and to make their own map of it. Any previous map will be either superfluous evidence, or false evidence. I am sorry to find, however, that the United States' Government are likely to lay great stress upon this point, and to insist to the last upon bringing these condemned charts and maps into play. The acknowledging them as evidence appears to me altogether inadmissible. If a clause were inserted in the Convention, permitting Mitchell's and other former maps to be laid before the Commission, but stipulating that no geographical position laid down in such maps, of which the accuracy were questioned by the Commissioners on either side, should be received as evidence until jointly verified anew upon the ground by the present Commission, the mischievous effect of the introduction of the maps would certainly be in a great measure done away with, but the clause or Article so qualified would become almost nonsense.

I inquired from Mr. Forsyth, whether an Article admitting the introduction of Mitchell's Map, qualified in the above form, would be likely to meet the approbation of the United States' Government; but I did not obtain any positive answer upon the subject. The other part of the proposal, renewed in the VIIth Article,—namely, that the two Governments shall mutually communicate to the Commission such official papers and documents, connected with the negotiation of the Treaty of 1783, as may exist in their respective archives,—does not appear to be open to the same objections as the proposed stipulation for the production of maps. But upon this part of the subject I cannot presume to offer a decided opinion, not being aware of what documents are in existence on either side.

I shall have the honour, in a further despatch, to address some observations to your Lordship with reference to the XVIth and XVIIth Articles of the present American Draft, and to the new matter therein proposed, after I shall have had some additional conversation with the United States' Secretary of State

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upon the subject. These new Articles contain, it will be seen, an entirely separate proposal; and if the principle of that proposal should be acceded to by Her Majesty's Government, the arrangement will probably be better carried into effect by providing for it in a separate and supplementary contract, than by embodying it in the main Convention for the establishment of the two Commissions.

I have, &c.,

(Signed(H. S. FOX.

Inclosure in No. 13.

Mr. Fox to Mr. Forsyth.

Sir, *Washington, August* 17, 1840.

I HAVE the honour to acknowledge the receipt of your letter of the 13th instant, in which you offer to my consideration certain observations upon the contents of an Official Note in relation to the Boundary Negotiation, which I had the honour to address to you on the 28th of last month, and upon the respective projects of the British and United States' Governments for the establishment of Commissions of Survey and of Arbitration with a view to the final settlement of the controversy; and in which you likewise inclose to me a new Draft of Convention proposed by the Government of the United States for the establishment of those Commissions.

I regret to find that the modifications and changes introduced in the present Draft, and the points of variance between its provisions and those of the British Draft which was inclosed in my note of the 28th ultimo, are too important to allow of my entering fully into a discussion thereof until the proposal shall have been referred to the consideration of Her Majesty's Government at home. I have lost no time in officially transmitting the documents to Her Majesty's Government.

Although I do not expect that Her Majesty's Government will acquiesce in the terms of the Convention now offered, yet it is satisfactory to find that the points of difference between the conflicting proposals are brought within a narrower compass than they have hitherto been; and that, as they relate chiefly to details, and not to principles, the hope of finally reconciling them need not be abandoned.

I avail myself, &c.

(Signed) H. S. FOX.

No. 14.

Mr. Fox to Viscount Palmerston.—(Received November 28.)

(Extract.) *Washington, October* 30, 1840.

I HAD the honour to receive last month your Lordship's despatch of the 19th of August, authorizing me, in addition to former instructions, to enter into negotiation with the United States' Government for the conclusion of a new temporary arrangement within the disputed territory, upon the basis of occupying the opposite portions of that territory, respectively, by a stipulated force of British and United States' regular troops, in preference to the employment on either side of constables and civil posses.

I had for some time previously been in correspondence with the Governor-General of North America, and in communication with the United States' Government, upon the subject of the proposed temporary arrangement as contemplated under my first instructions. I have found, on the part of the United States' Government, a marked unwillingness to proceed with this provisional negotiation at all, until such time as the principal Convention for the establishment of Commissions of Survey and of Arbitration shall have been concluded. A further motive for delay, and a more forcible one, has existed I believe in the President's reluctance to adopt or to propose any arrangement which might risk

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giving offence to the people of Maine, until after the result of the Presidential election in November.

The Secretary of State, Mr. Forsyth, has been absent in Georgia for the last month. Upon his return to Washington I shall again address Mr. Forsyth, both verbally and in writing, upon the subject of the desired agreement; but I do not expect that any definite answer will be obtained until after the Presidential election, nor, perhaps, until after the conclusion of the principal Boundary Convention now under negotiation. I shall have the honour, by an ensuing packet to forward to your Lordship copies of the correspondence which has already passed between the United States' Government, the Governor-General, and myself, with reference to the present topic.

The Presidential election, which naturally now occupies the whole of public attention in this country, will be held through the different States, on various days during the first and second weeks of November. The entire result will not be known at Washington until the latter end of the month. Both Parties profess to be equally sanguine of success: the partial elections that have been recently held, and other signs and indications up to the present moment, lead me to look upon the result as altogether doubtful: it presents I believe as even a chance as any great political event that ever occurred; and this circumstance, considering the vast political and personal interests at stake, renders the contest peculiarly exciting and animated. The excitement, however, and the interest are entirely confined to the domestic politics of the Republic: the foreign affairs of the United States, and the conduct of the important public questions pending with Great Britain, are not likely to be in any degree affected by the result of the election.

No. 15.

Mr. Fox to Viscount Palmerston.—(Received January 2, 1841.)

My Lord, *Washington, December* 10, 1840.

I HAVE the honour herewith to inclose three copies of the Message from the President of the United States, which was yesterday transmitted to the Two Houses of Congress, at the opening of the annual Session.

I have, &c.,
(Signed) H. S. FOX.

Inclosure in No. 15.

Extract from the Message from the President of the United States, to the two Houses of Congress, at the commencement of the Second Session of the Twenty-sixth Congress.

A SERIES of questions of long standing, difficult in their adjustment, and important in their consequences, in which the rights of our citizens and the honour of the country were deeply involved, have, in the course of a few years, (the most of them during the successful administration of my immediate predecessor,) been brought to a satisfactory conclusion; and the most important of those remaining are, I am happy to believe, in a fair way of being speedily and satisfactorily adjusted.

With all the Powers of the world our relations are those of honourable peace. Since your adjournment, nothing serious has occurred to interrupt or threaten this desirable harmony. If clouds have lowered above the other hemisphere, they have not cast their portentous shadows upon our happy shores. Bound by no entangling alliances, yet linked by a common nature and interest with the other nations of mankind, our aspirations are for the preservation of peace, in whose solid and civilising triumphs all may participate with a generous emulation. Yet it behoves us to be prepared for any event, and to be always ready to maintain those just and enlightened principles of national intercourse, for which this Government has ever contended. In the shock of contending

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empires, it is only by assuming a resolute bearing, and clothing themselves with defensive armour, that neutral nations can maintain their independent rights.

The excitement which grew out of the territorial controversy between the United States and Great Britain having in a great measure subsided, it is hoped that a favourable period is approaching for its final adjustment. Both Governments must now be convinced of the dangers with which the question is fraught; and it must be their desire, as it is their interest, that this perpetual cause of irritation should be removed as speedily as practicable. In my last annual message you were informed that the proposition for a Commission of Exploration and Survey promised by Great Britain had been received, and that a Counter-Project, including also a provision for the certain and final adjustment of the limits in dispute, was then before the British Government for its consideration. The answer of that Government, accompanied by additional propositions of its own, was received through its Minister here, since your separation. These were promptly considered; such as were deemed correct in principle, and consistent with a due regard to the just rights of the United States and of the State of Maine, concurred in; and the reasons for dissenting from the residue, with an additional suggestion on our part, communicated by the Secretary of State to Mr. Fox. That Minister, not feeling himself sufficiently instructed upon some of the points raised in the discussion, felt it to be his duty to refer the matter to his own Government for its further decision. Having now been for some time under its advisement, a speedy answer may be confidently expected. From the character of the points still in difference, and the undoubted disposition of both parties to bring the matter to an early conclusion, I look with entire confidence to a prompt and satisfactory termination of the negotiation. Three Commissioners were appointed shortly after the adjournment of Congress, under the act of the last session providing for the exploration and survey of the Line which separates the States of Maine and New Hampshire from the British Provinces; they have been actively employed until their progress was interrupted by the inclemency of the season, and will resume their labours as soon as practicable in the ensuing year.

It is understood that their respective examinations will throw new light upon the subject in controversy, and serve to remove any erroneous impressions which may have been made elsewhere prejudicial to the rights of the United States. It was, among other reasons, with a view of preventing the embarrassments which, in our peculiar system of government, impede and complicate negotiations involving the territorial rights of a State, that I thought it my duty, as you have been informed on a previous occasion, to propose to the British Government, through its Minister at Washington, that early steps should be taken to adjust the points of difference on the Line of Boundary from the entrance of Lake Superior to the most north-western point of the Lake of the Woods, by the arbitration of a friendly Power, in conformity with the VIIth Article of the Treaty of Ghent. No answer has yet been returned by the British Government to this proposition.

No. 16.

Mr. Fox to Viscount Palmerston.—(Received February 6, 1841.)

My Lord, *Washington, December 29, 1840.*

I HAVE the honour herewith to inclose copies of official communications with various correspondence annexed, which have been addressed to me by his Excellency the Governor-General of British North America, and by the Lieutenant-Governor of New Brunswick, respecting the recent movement of a small detachment of Her Majesty's troops, by order of the Governor-General, into the Madawaska Settlement, within the limits of the disputed territory.

I have also the honour to inclose the copy of a letter addressed to me a few days since upon the same subject by the Secretary of State of the United States, to which is annexed the copy of a communication from the Governor of Maine to the Lieutenant-Governor of New Brunswick.

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I shall consider it most prudent to delay returning an official reply to Mr. Forsyth's letter until I am further informed which course of proceeding will be finally adopted by the Governor-General, whether to retain the detachment of Her Majesty's regular troops within the Madawaska Settlement, or to replace that detachment, according to the wish of Major-General Sir John Harvey, by an armed civil posse under the orders of the Provincial Government. In either case my reply to the United States' Government will be easy and obvious, referring them to the official declarations made on the part of Her Majesty's Government in the beginning of the present year, which declarations have not been retracted; and to the continual petty acts of encroachment persisted in by parties from the State of Maine in defiance of those declarations.

I have, &c.,
(Signed) H. S. FOX.

Inclosure 1 in No. 16.

Lord Sydenham to Mr. Fox.

Government House,
Montreal, November 23, 1840.

Sir,

I HAVE the honour to transmit herewith copies of two despatches which reached me yesterday from the Lieutenant-Governor of New Brunswick, and also one of my reply, from which you will learn that in accordance with Sir John Harvey's wish, I have taken measures for affording support to the civil authorities of the Queen, and protection to Her Majesty's subjects in the Madawaska Settlement.

I do this with a view of putting you in possession of the circumstances of this case, as well as of the proceedings which I have deemed it my duty to take, in the event of your being applied to for information in the matter; but leaving it altogether to yourself whether you consider it advisable to originate any communication to the Presidential Government.

The insult offered to the Queen's civil authorities, and the declared determination of the person in command at the Fish River to obstruct them in the exercise of their duty, afford undoubtedly the strongest grounds of complaint; but experience has shown how little effect is produced by any representation against the acts of the State Authorities, and I agree in your opinion of the inutility of mere protests. Perhaps, when it is clearly seen that we are prepared to resist further encroachments, the Government of the United States may perceive that further delay in the adjustment of the question of temporary jurisdiction, pending an arrangement for the final adjudication of the right to the territory, will not be productive of advantage.

I have, &c.,
(Signed) SYDENHAM.

Inclosure 2 in No. 16.

Sir John Harvey to Lord Sydenham.

Government House, Fredericton,
New Brunswick, November 3, 1840.

My Lord,

WITH reference to the accompanying communication, I have the honour to state that the Warden and the magistrates have been instructed to attend the proceedings, if they should take place, to warn those engaged in them of their illegality, and if persevered in, either to arrest the leaders or to report their names, and those of such as may take a prominent part, to the Attorney General, (as was done in the case of Baker and others, in 1828 and 1831,) in order to legal measures being instituted against them in the supreme courts of this province.

Although these proceedings may be, as suggested by the Warden, in some measure connected with the approaching Presidential election, yet may other and

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more mischievous designs be cloaked under that plea; (such, per example, as the apparent establishment of a co-ordinate jurisdiction with Great Britain within the disputed territory;) I would therefore respectfully submit to your Lordship the necessity of a strong remonstrance, through Her Majesty's Minister at Washington to the Presidential Government, against proceedings which may have the effect of renewing border excitement, in spite of every disposition and exertion on the part of the provincial authorities to guard against it.

I have, &c.,
(Signed) J. HARVEY.

Inclosure in No. 16.

Sir John Harvey to Lord Sydenham.

Government House, Fredericton,
New Brunswick, November 13, 1840.

My Lord,

I HASTEN to lay before your Lordship copies of a Report and its inclosure, which have this day been placed in my hands by the Warden of the Disputed Territory, and to solicit your Lordship's instructions upon the occasion of this high-handed proceeding on the part of the individual in the command of the armed party of the state of Maine stationed at Fish River.

Your Lordship is doubtless aware that the construction put by me, and, I have reason to believe, by General Scott, upon the agreement entered into between the Governor of Maine and myself, in March, 1839, was, that the Maine posse should confine itself to the occupation of the valley of the Aroostook, leaving that of the St. John to New Brunswick, each party denying the right of the other to ultimate possession. The Government and Legislature of Maine contended for a different construction, and claimed the joint right of occupation for the purpose of protecting the timber of all the disputed territory south of the St. John, above the Madawaska Settlement; and in accordance with this view, it pushed a party of its armed posse to the mouth of the Fish River, thus establishing itself, *de facto*, upon the Upper St. John. This movement was immediately and strongly protested against on my part; but it not being deemed expedient to have recourse to force for the purpose of dislodging this party, the question became immediately narrowed to the definition of the actual limits of the Madawaska Settlements. These were asserted and shown, on our part, to extend up the St. John as far as British settlements extended; and it was proved that British jurisdiction had repeatedly been exercised as far as the River St. Francis, the very individual—John Baker—who is now again taking a prominent part in the present proceedings, having been made amenable to and punished by the laws of New Brunswick, which he had audaciously violated. On the part of Maine, it was asserted that the Settlement of Madawaska does not extend beyond the Fish River on the south and the mouth of the Madawaska River on the north bank of the River St. John. Upon the true construction of the agreement I had understood that a conventional arrangement was to be entered into between the two general Governments, and I have for some time past been in the expectation of learning the result; no such information has, however, reached me, and I am consequently left in doubt as to whether the present proceedings on the part of Maine be the consequence of any such agreement, or are to be viewed as merely the assertion of its own pretensions.

If the latter, the points for consideration would appear to be, whether it may be deemed to consist with the dignity or the rights of Great Britain to rest satisfied by merely protesting against this open and forcible assumption of sovereignty by the State of Maine over a part of Her Majesty's subjects of the Madawaka Settlements, and the insult offered to one of the magistrates of this province, or by promptly moving a military force into the settlements to give confidence and protection to the Queen's subjects, and support to the civil authorities.

In the event of your Lordship's deciding upon the adoption of the latter course, I trust I may be pardoned in recommending that it may be carried into effect from the side of Canada, by means of a detachment from the Temisquata barracks, in which there is good accommodation (to the extent of 150 men) at

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Simon Nibbert's, on the right or south bank of the St. John, about eighteen miles below the Fish River (the place where two companies of the 11th Regiment were posted in the winter of 1839). Encouraged by the presence of such a force, (which would look for its support to the Dégelé and the Temisquata on the one side, and the Grand Falls on the other,) the alarm of the French settlers would subside, and the magistrates would be in a position to enforce the execution of the laws. The detachment from this province at the Grand Falls could be augmented, if found necessary, from this garrison; but that is a measure which, as it might tend to create uneasiness to the officer in command of the troops at Houlton, it might be prudent to defer until the necessity should actually arise.

The Warden informs me that my letter to Major Graham, of which a copy accompanied my despatch of the 7th instant, immediately produced the intended effect.

I have, &c.,
(Signed) J. HARVEY.

Inclosure 4 in No. 16.

Sir John Harvey to Lord Sydenham.

Government House, Fredericton,
New Brunswick, November 17, 1840.

My Lord,

SINCE addressing to your Lordship my letter of the 13th instant, I have received a document which ought to have reached me many months ago, viz., the correspondence relative to the North American Boundary Question, part I., printed for the use of the Imperial Parliament, and after a perusal, or it may be rather called a re-perusal, of that correspondence, it has occurred to me that you may feel indisposed to sanction any measure which may have the effect of reviving the outcry of "military occupation" by Great Britain of the disputed Territory, into which even the movement of a serjeant's or subaltern's guard of Her Majesty's troops might be perverted. Under this view, I would propose so far to modify my proposition as to substitute for the Queen's troops a sufficient party or posse of armed labourers or attendants, to be placed under the orders of the warden and magistrates. This description of force being strictly analogous to that employed by the State of Maine, cannot possibly be objected to by them; the objection to which it certainly is liable on our part is, that it is less amenable to control and may lead to collision, which, however, if it should occur, cannot compromise the General Governments, or constitute the ground of national dispute, as would a single act, however trifling, on the part of the smallest party of Her Majesty's troops. Moreover, great care must be used in the selection of the men to compose the posse.

I have, &c.,
(Signed) J. HARVEY.

Inclosure 5 in No. 16.

Mr. Maclauchlan to Sir John Harvey.

May it please your Excellency,

Fredericton, October 28, 1840.

I HAVE the honour to acquaint your Excellency that on leaving the Madawaska Settlement a few days since, a report reached me of an intention, on the part of the Authorities of the State of Maine, of calling a town meeting, so termed in that settlement, either about the close of this month or the beginning of the next, for the purpose of taking votes for the election of a President for the United States.

I endeavoured to ascertain if the meeting was to be held above the Block-House occupied by the armed posse at Fish River, or between the Fish River and the Little Madawaska, as the latter, I had understood, was lately incorporated and considered as part of the county of Penobscot, State of Maine. However, this

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information I was unable to obtain, and, therefore, I considered it advisable during my absence to leave directions with Mr. Wright, the magistrate, and also Mr. Tighe, the person there employed in taking the census of the Madawaska Settlement under an Act of Assembly of this province, to attend the meeting, if held between the Fish River and the Little Madawaska, and to protest against the proceedings; also noting down the names of all persons found taking an active part at the same, which, together with the result of the meeting, to be transmitted to me by express for the information of your Excellency.

I have, &c.,

(Signed) J. A. MACLAUCHLAN,

Warden of the Disputed Territory.

Inclosure 6 in No. 16.

Mr. Maclauchlan to Sir John Harvey.

Madawaska Settlement,
November 9, 1840.

May it please your Excellency,

WITH reference to my communication of the 28th ultimo, I have now the honour of transmitting, for your Excellency's information, a letter which I received on my arrival in this settlement to-day from Mr. Rice, one of Her Majesty's Justices of the Peace for the County of Carleton, giving a detailed account of the proceedings of a town meeting, so termed, held by authority of the State of Maine on the St. John, near the entrance of Fish River, and under the protection of the armed posse occupying a strong block-house at that place.

By the statement of Mr. Rice it appears, that the meeting was convened for the purpose of electing a President and Vice-President for the United States, and was held on the 2nd instant at a house adjoining the block-house of the armed posse, under the command of Captain Ryans, who on that day made publicly known the instructions which he had received from his Government, giving him the exclusive jurisdiction on the St. John's River, from its source to the entrance of the Little Madawaska. And, in order to show the power vested in him, did treat with great disrespect one of Her Majesty's peace officers, (Mr. Rice,) by removing him from the meeting on his protesting against their proceedings.

With respect to arresting the persons observed taking a prominent part at this meeting, and alluded to in a letter from your Excellency's private Secretary to me of the 3rd instant, I beg to state it as my opinion, and also that of the magistrates in the settlement, that it would be altogether useless interfering with any of them whilst under the protection of the armed posse, unless your Excellency will authorize our calling upon the military for assistance.

It affords me very great satisfaction that I am enabled to acquaint your Excellency, that none of the respectable settlers of Madawaska attended this meeting; but the persons were chiefly Americans, headed by the notorious John or General Baker, and the lowest order of Canadians who have been but a short time in the settlement, and are, generally speaking, without principle or property.

But, in order to satisfy your Excellency of the good feeling that at present exists among the inhabitants of Madawaska towards Her Majesty's person and Government, I hope shortly to forward an address from them to your Excellency, disapproving of the line of policy pursued by the Americans, and, further, calling upon your Excellency to afford them that protection which your Excellency may deem necessary for the security of their persons and property, and the maintenance of the laws they have been governed by for upwards of fifty years.

I have, &c.,

(Signed) J. A. MACLAUCHLAN,

Warden of the Disputed Territory.

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Inclosure 7 in No. 16.

Mr. Rice to Mr. Machlauchlan.

Sir, *Madawaska, November* 3, 1840.

UPON my arrival from Quebec on the 20th ultimo, I was informed by Mr. Tighe, that, on the Friday previous, the Americans held what they term a town meeting, at the house of one Joseph Nedeau, next above the American block house, at the outlet of Fish River, the purpose of which was to elect town officers They accordingly did so, and have elected Barnabas Hanawell, Miles Emery and Elias Baker, Americans, to be Assessors; Elias Baker was also elected Town Clerk; and John Baker, the well-known agitator of Madawaska, Moderator for the day. A lawyer of the name of Sewell, from Bangor, opened the meeting, by making a long speech to the people. Previous to this meeting there had been notices put up in the settlement, notifying the inhabitants to attend. After they had finished their meeting, they fired three discharges from a field piece, hoisted the American flag, drums beat, music played, and a general rejoicing took place.

On receiving your letter directing me to attend the meeting, and to protest against these proceedings, I made further inquiry, and found that hand-bills had been up in the settlement, notifying the people to attend another meeting to be holden at the same place on the 2nd of November. Early in the morning of that day I left home, and arrived at Nedeau's about one o'clock, P.M.: met Captain Ryans, the officer in command at the American block-house, and told him that my business up here was to protest against those proceedings. He answered me, "If you do so officially, I will be under the necessity of arresting you, and sending you to Augusta." I told him that I was determined to do what I considered my duty. There were about one hundred persons present, principally Americans, there were a few French Canadians of the lower class; shortly after my arrival, Barnabas Hanawell, Miles Emery, and Elias Baker, Americans, proclaimed order, and that they were about to open the meeting; Elias Baker commenced, by opening a packet, and read to the following effect:—

"In the name of the State of Maine, we open this meeting, pursuant to an order to us directed for the purpose of electing a President and a Vice-President for the United States of America, and in the name of the said State, come forward and give your votes. Signed, Barnabas Hanawell, Miles Emery, Elias Baker."

I then asked if I would be allowed to speak. I was answered, "No; that the meeting had opened, and that I should not be allowed to say one word." I then stood up and said: "As the Queen's civil officer, and in Her Britannic Majesty's name, I protest against your proceedings and meetings as unlawful, illegal, and uncalled for." I was then ordered out of the room, or rather taken out by the arm by Captain Ryans, when I was roughly used by John Baker, Joseph Wiles, and others. Baker made different attempts to strike me, but was prevented by Captain Ryans. Captain Ryans also stated publicly at the meeting, that if any peace officer of New Brunswick should attempt to arrest any person, or serve any writ, or exercise any act of jurisdiction whatever, from the Madawaska River upwards, that he would arrest them, and send them off to Augusta prisoners; that that was the order he had recently received, and that he would actually put it in force.

I have, &c.,
(Signed) FRANCIS RICE,
Justice of the Peace.

N.B.—In further conversation with Captain Ryans, he plainly and distinctly told me, that if the Warden of the Disputed Territory should attempt for the future above the entrance of the Madawaska River, that he would most certainly make him his prisoner, according to his instructions.

I have, &c.,
(Signed) FRANCIS RICE,
Justice of the Peace.

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Inclosure 8 in No. 16.

Lord Sydenham to Sir John Harvey.

Government House,
(Extract.) *Montreal, November* 23, 1840.

YOUR despatches of the 3rd and 13th instant, with their inclosures, reached me yesterday.

Under the circumstances which you detail I cannot hesitate to authorize such measures as appear requisite for the protection of Her Majesty's subjects against a repetition of the insults which appear to have been offered, and are again threatened, by the servants of the State of Maine; and I have accordingly addressed myself to the Commander of the forces, who will direct a military force sufficient for the purpose to repair to the Madawaska Settlement, to be placed wherever they can be most advantageously and conveniently accommodated.

Sir Richard Jackson will communicate with you upon the matter, and the officer in command of the party will be directed to report to you.

Your Excellency will of course put this officer immediately in communication with Mr. Maclauchlan or the other civil authorities of Her Majesty at the Settlement, whom he will be prepared to support in the discharge of their duties, and for the protection of the Queen's subjects; but I rely on your taking every possible precaution against any unnecessary interference with the citizens of the United States, and avoiding to the utmost any collision.

My instructions from Her Majesty's Government are, not to permit Maine to occupy or possess land to the north of the St. John's, and to maintain in perfect security the communication by the Madawaska between Fredericton and Quebec; whatever, therefore, is indispensable for that purpose must be done.

Inclosure 9 in No. 16.

Sir John Harvey to Mr. Fox.

Government House, Fredericton,
Dear Sir, *New Brunswick, November* 18, 1840.

I DEEM it proper that your Excellency should be put in possession of communications which the proceedings of the armed posse of the State of Maine have imposed upon me the necessity of addressing to the Governor-General, as doubtless your Excellency will be requested to protest against conduct so entirely at variance with that perfect good understanding which it has never ceased to be my earnest desire to maintain with the Government and Authorities of that State, in all matters relating to the joint occupation of the disputed territory, under the Agreement entered into in March 1839.

I avail myself of this occasion to acquaint your Excellency that Major Graham, of the United States' service, having represented to me that he had met with obstruction from the proprietors of some of the lands situated on the British side of the line, from the Monument towards Mars' Hill, in consequence of being under the necessity of cutting down timber for the purpose of following out that which he has been directed to explore, I lost no time in addressing such a letter to him, in reply to his representation to me, as has had the effect of putting an end to the opposition referred to. (Copy of the correspondence is inclosed.) On this subject it is proper that I should apprize your Excellency that I am informed by Mr. Maclauchan, the Warden, who remained with Major Graham's party for twentyfour hours, and witnessed all their proceedings during that time, that the due north line which they are engaged in tracing on the ground, with the aid, as he states, of the best instruments and frequent astronomical observations, is gradually, but steadily diverging to the eastward of that which constitutes the present boundary, and up to which the lands have been very generally

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granted on either side, will run considerably (as much as half-a-mile) to the east of "Mars' Hill," and intersect the St. John nearly two miles nearer to the "Grand Falls," than the present one,—a circumstance which is naturally creating in the minds of the British settlers and inhabitants residing in that neigbourhood a degree of alarm which the assurance that the survey is entirely an *ex parte* one does not dissipate.

I have, &c.,
(Signed) JOHN HARVEY.

Inclosure 10 in No. 16.

Mr. Forsyth to Mr. Fox.

Department of State,
Washington, December 26, 1840.

Sir,

BY direction of the President, I have the honour to communicate to you the accompanying copy of a correspondence (transmitted to him by Governor Fairfield) between the Governor of Maine and the Lieutenant-Governor of New Brunswick, on the subject of a detachment of troops ordered into the Disputed Territory by the Governor-General of the British provinces of North America.

The President indulges a confident hope that his Excellency the Governor-General will have seen the propriety of promptly complying with the wise and judicious representations of Sir John Harvey, by withdrawing these troops, whose presence is not only a violation of the existing agreement, but also a source of dangerous irritation. Nevertheless, he deems it his duty to bring the subject to your notice, in order to enable you, if necessary, to add your representations to those of the Governor of New Brunswick, and thus relieve the Government of the United States from the unpleasant duty of taking any further steps in relation to the act which has called forth the correspondence I have the honour to communicate.

I avail myself, &c.,

(Signed) J. FORSYTH.

Inclosure 11 in No. 16.

Governor Fairfield to Sir John Harvey.

Executive Department,
Saco, December 15, 1840.

Sir,

I HAVE the honour to acknowledge the receipt of your Excellency's communication of the 10th instant, containing an explanation of a late movement on the part of the Governor-General of the provinces, in ordering a detachment of troops to the Madawaska Settlement. Your Excellency says, it "has no other object than to give support to the civil authorities of that settlement, one of whose magistrates, Francis Rice, Esq., has been grossly insulted, threatened with personal violence, and obstructed in the discharge of his duty by persons professing themselves to be citizens of the State of Maine; and another, James Maclauchlan, Esq., also a magistrate of this province, and holding the office of Warden of the disputed territory, has been threatened by the person in charge of the armed posse stationed at Fish River, with being arrested and sent as a prisoner to Augusta, in the event of his persevering in the performance of the duties imposed upon him by the Government of the Queen and that of this province."

While entertaining a just sense of the frankness and courtesy in which this explanation is made, I deem it my duty to say, that I cannot regard the quartering of troops at the Madawaska Settlement at this time by the British Government, in any other light than as a direct and palpable infringement of the subsisting

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arrangement; and that the circumstances above detailed afford no sufficient excuse or justification for such an act. Nor is it the less aggravated by the circumstance that it is the repetition of a similar movement made since the arrangement was entered into, and which was at the time the subject of complaint and remonstrance, not only on the part of the State Authorities, but by the General Government. The first was sought to be justified on the ground of apprehensions, that Maine intended to do the like. The latter upon the grounds which, if not less substantial, certainly afford no reasonable pretence that any military force was necessary, much less a force in addition to the 200 troops already stationed at Temiscouata Lake. In regard to this point, that is, the absence of all necessity for a military force, I am happy to perceive that we do not disagree; and I trust that your Excellency's suggestion to the Governor-General touching its withdrawal will not be without effect.

In relation to the facts alleged, I am unable to say whether your Excellency has been misinformed or not, but I have taken measures to have them correctly ascertained and reported. I can assure your Excellency that you but do me justice in refusing to believe that I am disposed to authorize any acts "inconsistent with existing engagements." If, however, the facts relate to a transaction of which I have casually heard, but of which I have not been officially informed, I think your Excellency will find that the allegations require much qualification. It has been reported, that when certain of the citizens of this State were assembled at the Fish River Settlement, to give in their votes for electors of President and Vice-President, under a late law of this State authorizing it, a magistrate from a Madawaska Settlement presented himself, and attempted, in the exercise of his official authority, to disperse them. If such were the facts, instead of finding any cause for reprehension in the resisting his authority by the residents at that place, I can only wonder at their forbearance in not causing him to be arrested and subjected to trial and punishment, according to the laws of this State in such case made and provided.

Of the threats supposed to have been made to arrest James Maclauchlan, esquire, and send him to Augusta, I know nothing. But your Excellency, I suppose, is aware, that the right of that gentleman to act as "Warden of the Disputed Territory" has never been recognized or sanctioned by the authorities of this State; and I would respectfully add, that, as far as the present Executive is concerned, never will be, especially in regard to that portion of it in our exclusive possession and occupancy.

What particular movements of Mr. Maclauchlan have induced the supposed threats, I am not apprised of. The facts, however, in this, as well as the other case, I have taken measures to have correctly reported; when I can assure your Excellency no disposition shall be wanting on my part to do what a just regard for existing agreements, as well as the honor and interests of the State, may require.

I have, &c.,
(Signed) JOHN FAIRFIELD,
Governor of Maine.

No. 17.

Mr. Fox to Viscount Palmerston.—(Received February 16.)

My Lord, *Washington, January* 26, 1841.

I HAVE the honor herewith to inclose a printed copy of the Message transmitted by Mr. Kent, the newly-elected Governor of Maine, to the Legislature of the State, at the opening of the Annual Session, on the 15th of this month.

It will be seen that the latter part of this Message treats largely of the Question of the North-Eastern Boundary; but the tone is less offensive, and less calculated to lead to mischief, than that of former executive documents proceeding from the State Government of Maine.

Governor Kent, as was to be expected, asserts the usual claim of Maine to the whole of the territory in dispute, and complains loudly of the stationing of

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British troops within any part thereof; but at the same time he distinctly relinquishes to the General Government of the United States the right of action in these matters, and neither invites, nor even hints, at the possibility of a separate interference on the part of the people of Maine, during the time that the principal negotiation shall be pending.

Governor Kent, who has been elected this year by a small majority over his predecessor, Fairfield, belongs to the party of General Harrison and the coming administration. Both Houses of the Maine Legislature are of the same politics; and at the Presidential election, the State gave also its electoral votes for General Harrison. There appears, therefore, to be a better prospect, than at some former periods, of the Boundary Negotiation being left in the hands of the two national Governments.

I have, &c.,
(Signed) H. S. FOX.

Inclosure in No. 17.

Extract from the Message of the Governor of Maine to the Legislature of the State, at the opening of Session, on the 15th of January.

I REGRET that it is not in my power to congratulate you and the State upon the final settlement of the long-vexed question relating to our North-Eastern Boundary. On a former occasion I expressed my views fully upon the justice of our claim, and the obligations of the Federal Government to afford us aid and protection in enforcing it. I have seen no reason to alter the views then expressed. Our claim to the whole territory is perfect and unanswerable, and no sophistry or evasion can avoid or annul it. But it is needless to waste words upon this point, as it is universally conceded by every American that the Treaty of 1783, fairly interpreted and honestly executed, would sustain all our claim. The unanimity of sentiment is well calculated to inspire us with confidence, that although diplomacy may interpose its delays, there is an abiding conviction pervading our whole country which may be relied upon for final support in the assertion of our just rights. It was, indeed, confidently believed that after the solemn expression of Congress in 1838, and the events which occurred on the frontier in 1839, the English Government would be satisfied that delay in the settlement of this question was dangerous to the peace of the two countries.

The promptness and energy with which the Government and people of Maine, with one heart and voice, met the threat to expel us from the Aroostook, the ready obedience with which our citizen-soldiery responded to the call of their commander, and the unshrinking zeal with which they marched from their comfortable homes, in the depth of winter, into the interior forests, and the firm determination which was manifested by every man to sustain the assertion of our rights, must have satisfied all, that although Maine for the sake of the peace and quiet of the country, and in her anxious desire to avoid collisiou with a foreign Power, might forbear to enforce her extreme rights, pending negotiation, there was yet a point beyond which she would not submit to encroachments; and there was a spirit in her people which would not shrink before threats of military expulsion. And whatever arrangements have been assented to, in regard to the jurisdiction of different portions of the territory, pending negotiations, must be regarded merely as temporary in their nature, and under a protest always that we relinquish no claim and no right to the absolute and undisputed ownership and jurisdiction of every inch of our State. Maine has certainly deserved the sympathy and support of her sister States, by her long-continued forbearance and patience, under circumstances so well calculated to awaken indignation and incite to hostilities. A mere request for a grant has ripened into an absolute claim, and year after year our State has witnessed her hopes blasted and her reasonable expectations unfulfilled, and this question of vital importance undetermined and unadjusted.

The arrangement assented to on the part of Maine in 1839, by which, on condition that Maine should remain in undisturbed possession of part of the territory, it was stipulated that we should not "attempt to disturb by arms the province of New Brunswick, in the possession of the Madawaska Settlements,"

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was acquiesced in by the people, only on the ground and the belief, that immediate and determined efforts were to be in good faith adopted by both General Governments, to bring the matter to a speedy, just, and final determination. Indulging such hopes, Maine has certainly yielded much in the matter of temporary arrangements, influenced by the wish to preserve the peace of the country, and to remove all obstacles to the progress of negotiation. But she has a right to ask, when she yields so much, that her motives should be appreciated and her cause become the cause of the whole country, and pressed with vigour and energy to a final settlement. In the mean time it is our duty to keep our eyes and our thoughts upon the starting-point of the Treaty,—the north-west angle of Nova Scotia, and the highlands from thence so plainly specified in the Treaty, —and not suffer ourselves to be drawn away into discussions whether the monument at the source of the St. Croix, which was located by both Governments, more than forty years since, and fully established, is at the true point, or whether it is not possible that antediluvian mountains existed, which by some geological process have become "abraded" and worn down, and have now become the beds of large rivers. The earth, as it existed in the year of our Lord 1783, is to determine the location of the highlands of the Treaty, and the mere speculations of self-styled geologists concerning imaginary or theoretical highlands, which probably never had existence except in the fancies of speculative theorists, cannot fairly and legitimately have the slightest influence upon the pending question, more especially when, if it could be demonstrated that the assumed line now exists, it would not answer any of the requirements of the Treaty.

To mystify what is plain, and draw attention from the main subject to collateral issues, is sometimes a diplomatic mode of procrastinating a final decision, and of making up a plausible case from the mere duration of the controversy.

The statement of the progress and present state of the negotiations between the two Governments, communicated by the President of the United States, in his late annual message, would lead us to indulge the hope of a "prompt and satisfactory termination of the negotiation," and "a certain and final adjustment of the limits in dispute." The delays and obstacles, which have appeared to us unreasonable and unnecessary, cannot but still influence our feelings and lead us to moderate our hopes by our experience. If, however, the President has cause to say that there is an undoubted disposition of both parties to bring the matter to an early conclusion, we may, without the charge of being too sanguine in our anticipations, confidently trust that a fair, equal, and honourable proposition for a commission, with final powers to end the dispute, will be readily and fully assented to by the English Government, unless there is a fixed determination on its part to bring the matter to the last resort of nations. The time cannot be far distant when the question must assume a more definite shape, either peaceable or warlike; and much as we may deprecate the awful evils and miseries of war, we ought to be prepared to meet the issue, if such after all is the determination of our opponents, with the firmness of men who feel that they have the right, and who will not yield to threats or force the inheritance of our fathers and the rightful territory of our State. The unanimity which has characterized our State on this question, in the midst of all our political excitements, is a sure guarantee that the people are ready to sustain their rulers in all judicious, temperate, yet firm and decided measures, and that it is regarded by them as too sacred and too solemn a subject to be made the instrument of any mere party schemes or movements. Let us in the spirit of patriotism continue to regard this controversy as one eminently national in its character, involving both our immediate interests as a State and our duty to the whole Union, placed as we are in the front line of the disputed ground. Cherishing such sentiments, Maine, in this her great question, will stand on high and honourable ground, and command the respect and attention to which she is entitled, and secure the aid and protection guaranteed by the constitution.

The survey and scientific examination of the line claimed by us, which was commenced by the State in 1838, but which has since been suspended, has at last been undertaken by the General Government; and from the high character of the gentlemen engaged, we are fully justified in indulging the confident belief that we shall soon have the evidence of competent witnesses, based upon actual examination, and embodied in a formal report, to the existence of those facts

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which a knowledge of the laws of nature and the physical necessities of the case have long since satisfied every reasoning man must exist upon the face of the earth. It is in my apprehension a source of regret that this examination has been so long delayed, especially since the singular positions and remarkable assertions and assumptions in the report of Messrs. Featherstonhaugh and Mudge to the British Government. That report ought not to have had two years' priority of public attention over a counter-examination and report on our part.

The correspondence which has recently been communicated to you by my predecessor, discloses another movement on the part of the British authorities, well calculated to arrest attention and call forth indignant remonstrance on the part of Maine and the Union. If I am correctly informed, in a very short time after the conclusion of the agreement, by which it was in effect stipulated that the British authorities should not attempt to take military possession of what is termed by them the disputed territory, during the existence of that arrangement, a detachment of Her Majesty's troops was stationed at Temiscouata Lake, within that territory, and has been continued there ever since; and we are now informed that another detachment has been moved to and stationed at the Madawáska Settlement, for the purpose of sustaining the jurisdiction and supporting the exercise of authority on the part of the British magistrates. This movement has been made by the Governor-General of the British provinces, without any prior modification or correspondence, seeking information or explanation from the authorities of this State or the United States; and assuming as the ground of action, the reports of acts and threats of individuals, without inquiring whether those assumed facts, if in any part true, were in pursuance of orders or justified by the Government of Maine. I cannot but view this proceeding, as my predecessor does in his reply to Sir John Harvey, as "a direct and palpable infringement of the subsisting arrangement," and as taking military possession of that portion of the contested territory. And if the suggestion of Lieutenant-Governor Harvey, who seems not to have been consulted in relation to this new act of jurisdiction, and who evidently regards it with regret, if not as an infringement of subsisting arrangements, is disregarded, and the British troops are permanently located at Madawaska, I shall feel it my duty to reiterate the request already made to the General Government, and to urge upon that Government the justice and expediency of taking military possession on the part of the United States of the territory in dispute. The General Government owes it to Maine to move forward in this matter with promptness and energy, with a sincere and even anxious desire to preserve peace, but with an equally firm determination to maintain subsisting engagements on our part, and to insist upon a full performance from the other party.

No. 18.

Mr. Fox to Viscount Palmerston.—(*Received March* 17.)

My Lord, *Washington, February* 21, 1841.

I AM informed, that two resolutions have been introduced in the Sarte Legislature of Maine, and are now under discussion, of the following tenor; First, that the Executive Government of the State shall be directed to call upon the General Government of the United States to take measures for procuring the removal of the British troops from the Lake Temiscouata and the MadawaskaSettlements: secondly, that the sum of one million of dollars shall be appropriated by the State to the purpose of erecting sufficient defences and fortifications along the seaboard and inland frontier. It is probable that both these resolutions will be adopted; but it will depend upon other events, and upon future circumstances, whether they lead to mischievous consequences or not. The call upon the General Government to take measures for procuring the removal of the British troops from the disputed territory will produce no result, if the new administration at Washington shall be disposed to proceed reasonably to a conclusion of tne Boundary Negotiation. With regard to the other resolution for the construction of frontier fortifications, it appears very uncertain whether the State of Maine will be

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able to raise the sum of money required. But if the money should be procured, and the works actually ordered to be undertaken, the interference of Her Majesty's Government may become necessary. For there is little doubt that the Executive authorities of Maine will assume the inland frontier of the State to inclose a part, if not the whole, of the disputed territory, and that their first proceeding will be to construct permanent fortifications at the posts now temporarily occupied by the armed civil posse. I shall hope to be able to inform Her Majesty's Government further upon these subjects, when the resolutions in question shall have been finally determined upon.

I have, &c.
(Signed) H. S. FOX.

No. 19.

Mr. Fox to Viscount Palmerston.—(Received March 17.)

(Extract.) *Washington, February* 24, 1841.

I HEREWITH inclose a printed copy, published in a New York newspaper, of the cursory Report which has been made to the United States' Government by the American Surveyors, Messrs. Renwick, Graham, and Talcott, of the result of their labours on the North-Eastern Boundary during the past summer and autumn. This Report, which is addressed to the Secretary of State, was transmitted to Congress,—at the same time with an application from the President for a further appropriation of money wherewith to pursue the survey during the next season,—about ten days ago; but it has not yet been printed by order of Congress, and I doubt whether it was the wish of the Government that it should be printed or published for the present. The Report appears to have been given to the editor of a newspaper by the Surveyors themselves, one of whom, Mr. Renwick, resides at New York, and had already, upon a previous occasion, communicated to the same paper a part of the results of his survey.

It will be seen that this document does not profess to contain an accurate urvey of any part of the Boundary line, but only a cursory Report or Narrative of the operations of the Surveyors as far as they went.

Inclosure in No. 19.

Cursory Report by the American Surveyors of their Labours on the North-Eastern Boundary during the Autumn of 1840.

THE annexed Report of the Commissioners appointed by the President of the United States, under the Act of 20th July last, for the purpose of exploring and surveying the Boundary Line between the States of Maine and New Hampshire and the British provinces, was submitted to Congress on the 9th instant, referred to the Committee on Foreign Relations, and ordered to be printed.

REPORT, &c.

Sir, *New York, January* 6, 1841.

THE Commissioners having assembled in this city, in conformity with your orders, under date of 29th July, beg leave respectfully to report:—

That the extent of country and the great length of the Boundary Line included in the object of their commission would have rendered it impossible to have completed the task assigned them within the limits of a single season. In addition to this physical impossibility, the work of the present year was entered upon under circumstances very unfavourable for making any great progress. The law under which they have acted was passed at the last period of a protracted session, when nearly half of the season during which working parties can be kept in the field had elapsed; and although no delay took place in the appointment of Commissioners to carry it into effect, the organization of the Board was not effected, in consequence of the refusal of one of the Commissioners and the Agent to accept of their nomination. The Commissioners, acting under these disadvantages, have

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done all that lay in their power to accomplish the greatest practicable extent of work, and have obtained many results which cannot but be important in the examination of the vexed and important question which has been committed to them; but after having fully and maturely considered the subject, and interchanged the results of their respective operations, they have come to the conclusion that it would be premature to embody the partial results which they have attained, in a general report, for the purpose of being laid before the political and scientific world.

The meridian-line of the St. Croix has not been carried to a distance of more than than fifty miles from the monument at the source of that river; and the operations of the other Commissioners, although they have covered a wide extent of country, have fulfilled but one part of the duty assigned them, namely, that of exploration: while, in the parts explored, actual surveys will be necessary for the purpose of presenting the question in such form as can admit of no cavil. In particular, the results of the examination of the most northern part of the line, appear to differ in some points from the conclusions of the late British Commission. Satisfied that the latter have been reached in too hasty a manner, and without a sufficient time having been expended upon comparative observations, they are cautioned by this example against committing a like error. In respect to the argumentative part of the report of the British Commissioners, the duty of furnishing a prompt and immediate reply to such parts of it as rest upon the construction of treaties, and the acts of diplomacy, has been rendered far less important than it might at one time have appeared, by the publication of the more important parts of the argument laid before the King of the Netherlands as umpire. This argument, the deliberate and studied work of men who well understood the subject, is a full exposition of the grounds on which the claim of the United States to the whole of the disputed territory rests. It has received the sanction of successive administrations, of opposite politics; and may, therefore, be considered, in addition to its original official character, as approved by the whole nation. To this publication your Commission beg leave to refer as embodying an argument which may be styled unanswerable.

The operations of the parties under the command of the several Commissioners were as follows:

The party under the direction of Professor Renwick left Portland in detachments, on the 26th and 27th of August. The place of general rendezvous was fixed at Woodstock, or, failing that, at the Grand Falls of the St. John's. The Commissary of the party proceeded as speedily as possible to Oldtown, in order to procure boats and engage men. Professor Renwick passed by land through Brunswick, Gardiner, and Augusta. At the former place barometer No. 1 was compared with that of Professor Cleaveland; at Gardiner, with that of Hallowell Gardiner, Esq.; and arrangements were made with them to keep registers, to be used as corresponding observations with those of the expedition. At Augusta, some additional articles of equipment were obtained from the authorities of the State; but the barometer which it had been hoped might have been procured, was found to be unfit for the service. At Houlton, two tents and a number of knapsacks, with some gunpowder, were furnished, by the politeness of General Eustis, from the Government stores.

The boats and all the stores reached Woodstock on the 3d September; and all the party were collected, except one engineer, who had been left behind at Bangor, in the hopes of obtaining another barometer; a bateau was therefore left to bring him on. The remainder of the boats were loaded, and the party embarked on the St. John's, on the morning of the 4th of September. This, the main body, reached the Grand Falls at noon on the 8th of September. The remaining bateau, with the engineer, arrived the next evening, having ascended the rapids of the St. John's in a time short beyond precedent. On its arrival it was found that the barometer, on whose receipt reliance had been placed, had not been completed in time; and although, as we learned afterward, it had been committed, as soon as finished by the maker, to the care of Major Graham, the other Commissioners felt compelled to set out before he had joined them. The want of this barometer, in which defects observed in the others had been remedied, was of no little detriment.

A delay of eighteen days had occurred in Portland, in consequence of the refusal of Messrs. Cleveland and Jarvis to accept their appointments; and it was known from the experience of the Commissioners sent out in 1838 by the State

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of Maine, that it would require at least three weeks to reach the line claimed by the United States, from Bangor. It was, therefore, imperative to push forward, unless the risk of having the whole of the operations of this party paralyzed by the setting in of winter, was to be encountered. It was also ascertained at the Grand Falls that the streams which were to be ascended were always shallow and rapid, and that, at the moment, they were extremely low, so that the boats would not carry more stores than would be consumed within the time required to reach the region assigned to Professor Renwick as his share of the duty, and return. It became therefore necessary, as it had been before feared it must, to be content with an exploration instead of a close and accurate survey. Several of the men employed had been at the northern extremity of the meridian line, but their knowledge was limited to that single object. Inquiry was carefully made for guides through the country between the sources of the Grande Fourche of Restigouche and of Tuladi, but none were to be found. One Indian only had passed from the head of Green River to the Grande Fourche, but his knowledge was limited to a single path, in a direction not likely to shed any light on the object of the Commission; he was however engaged. The French hunters of Madawasca had never penetrated beyond the sources of Green River: and the Indians who formerly resided on the upper waters of the St. John's, were said to have abandoned the country for more than twelve years.

The party was now divided into four detachments; the first to proceed down the Restigouche, to the tide of the Bay of Chaleurs; the second to ascend the Grande Fourche of Restigouche to its source; the third to be stationed on Green River Mountain; the fourth to convey the surplus stores and heavy baggage to Lake Temiscouata, and thence to ascend the Tuladi and Abagusquash, to the highest accessible point of the latter. It was resolved that the second and fourth detachments should endeavour to cross the country, and meet each other, following as far as possible the height of land. A general rendezvous was again fixed at Lake Temiscouata.

In compliance with this plan, the first and second detachments ascended the Grand River together, crossing the Wagansis portage, and reached the confluence of the Grande Fourche and south-west branch of the Restigouche.

The first detachment then descended the united stream, returned by the same course to the St. John's, and reached the portage at Temiscouata on the 7th October. All the intended objects of the detachment were happily accomplished.

The second detachment, under the personal direction of the Commissioner, reached the junction of the north and south branches of the Grande Fourche on the 22nd September. Two engineers, with two men to carry provisions, were then despatched to cross the country to the meridian line, and thence to proceed westward to join the detachment at Kedgwick Lake. This duty was performed, and many valuable observations obtained; but an accident by which the barometer was broken, prevented all the anticipated objects of the mission from being accomplished.

All the stores which could possibly be spared were now placed in a depôt at the junction of the south branch, and the Commissioner proceeded with the boats thus lightened toward Kedgwick Lake. The lightening of the boats was rendered necessary in consequence of the diminution of the volume of the river and the occurrence of falls, over which it would have been impossible to convey them when fully loaded. For want of a guide, a branch more western than that which issues from the lake was entered. One of the boats was, therefore, sent round into the lake, to await the return of the engineers dispatched into the meridian line. The stores, which were all that could be brought up in the state of the waters, were now found to be wholly insufficient to allow of committing the party to the unexplored country between this stream and Tuladi. Even the four days which must intervene before the return of the engineers could be expected, would do much to exhaust them. The Commissioner therefore resolved to proceed across the country, with no other companion than two men, carrying ten days' provisions. It was hoped that four or five days might suffice for the purpose; but ten, of great toil and difficulty, were spent before Lake Tuladi was reached. The remainder of the detachment, united by the return of the engineers, descended the north branch of the Grande Fourche, to the junction of the south branch, ascended the latter, and made the portage to Green River. In this the boats were completely worn out, and the last of their food exhausted, just at

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the moment that supplies, sent up the Green River to meet them, arrived at their camp.

No arrangement which could have been made would have sufficed to prevent the risk of famine which was thus encountered by the second detachment. A greater number of boats would have required more men, and these would have eaten all they could have carried. No other actual suffering, but great fatigue and anxiety, were encountered; and it is now obvious, that, had the rains, which were so abundant during the first week of October, been snow (as they sometimes are in that climate,) there would have been a risk of the detachment perishing.

The third detachment reached their station, on Green River Mountain, on the 13th September, and continued there until the 12th of October. A full set of barometric observations was made; the latitudes well determined by numerous altitudes, and the longitudes approximately by some lunar observations.

The fourth detachment, after depositing the stores intended for the return of the party in charge of the British Commissary at Fort Ingall, who politely undertook the care of them, ascended the Tuladi, and taking the northern branch, reached Lake Abagusquash. Here one of the engineers wounded himself severely, and was rendered unfit for duty. The Commissary then proceeded a journey of five days towards the east, blazing a path, and making signals to guide the second detachment. The difference between the country as it actually exists, and as represented on any maps, prevented the Commissioner from meeting this party. It found the source of the central or main branch of Tuladi to the north of that of the Abagusquash; and, following the height of land, reached the deep and narrow valley of the Rimouski at that point where, on the British maps, that stream is represented as issuing from a ridge of mountains far north of the line offered to the King of the Netherlands as the bounds of the American claim. The Commissary, therefore, found it impossible to ascend Rimouski to its source; and, crossing its valley, found himself again on a dividing ridge, where he soon struck a stream running to the south-east.

This, from a comparison of courses and distances, is believed to be the source of the main branch of the Grande Fourche of Restigouche; and thus the second and fourth detachments had reached points within a very short distance of each other. The greater breadth of the dividing ridge has thus been explored: but it will remain to trace the limits of the key of the Rimouski, which will form a deep indenture in the boundary line. This line having been explored, a party was formed, after the assemblage of the several divisions at Temiscouata, for the purpose of levelling it with a barometer; but the expedition was frustrated by a heavy snow-storm, which set in on the 12th of October. This, the most important part of the whole northern line, therefore remains for future investigation. It can only be stated, that strong grounds exist for the belief that its summits are not only higher than any point which has been measured, but that, although cut by the Rimouski, it exceeds in average elevation any part of the disputed territory,

The levelling of the Temiscouata portage appeared to be an object of great importance, not only on its own account, but as furnishing a base for future operations. As soon as a sufficient force had been assembled at Lake Temiscouata, a party was therefore formed to survey the portage with a theodolite. Orders were also given by the Commissioner, that the first barometer which should be returned should be carried over the portage. It was believed that this double provision would have secured the examination of this point beyond the chance of failure. A snow-storm, however (the same which interrupted the last operation referred to), set in after the level had been run to the mountain of Biort; and one of the labouring men (worn out by his preceding fatigues) fell sick. The party being thus rendered insufficient, the engineer in command found himself compelled to return. The contemplated operation with the barometer was also frustrated; for, on examination at Temiscouata, it was found that all were unfit for farther service.

In order that the desired object might be accomplished, a new expedition was despatched from New York, on the 12th of November, furnished with four barometers. This party, by great exertions, reached St. André, on the St. Lawrence, on the eighth day, and accomplished the object of its mission. The operation was rendered possible, at this inclement season, by its being confined to a beaten road, and in the vicinity of human habitations.

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The country which has been the object of this reconnoissance is, as may already be understood, of very difficult access from the settled parts of the State of Maine. It is also, at best, almost impenetrable, except by the water-courses. It furnishes no supplies, except fish and small game; nor can these be obtained by a surveying party, which cannot be strong enough to allow for hunters and fishermen as a constituent part, The third detachment alone derived any important benefit from these sources. The best mode of supplying a party moving on the eastern section, would be to draw provisions and stores from the St. Lawrence. It is, indeed, now obvious, although it is contrary to the belief of any of the persons professing to be acquainted with the subject, that had the Commissioner proceeded from New York, by the way of Montreal and Quebec, he might have reached the district assigned to him a fortnight earlier, and accomplished twice as much work as his party was able to perform.

Although much remains to be done in this region, an extensive knowledge of country hitherto unknown and unexplored has been obtained; and this not only sheds much light upon the Boundary Question in its present state, but will be of permanent service in case of a farther *ex parte* examination, or of a joint commission being agreed upon by the Governments of Great Britain and the United States.

The season was too late for any efficient work, as the line to be explored was not reached before the 22nd of September. Not only were the rivers at their lowest ebb, but ice was met in the progress of the parties, as early as the 12th of September, and snow fell on the 21st and 22nd of September. The actual setting in of winter, which sometimes occurs in the first week of October, was therefore to be dreaded. From this time the country becomes unfit for travelling of any description, until the streams are bound with solid ice, and a crust formed on the snow of sufficient firmness to make it passable on snow-shoes. The only road is that along the St. John's River, and it would be almost impossible for a party distant more than ten or twelve miles from that stream to extricate itself after the winter begins.

No duty could be well imagined more likely to be disagreeable than that assigned to Professor Renwick. The only feasible modes of approach lay, for hundreds of miles, through the acknowledged limits of the British territory; and the line he was directed to explore was within the military posts of that nation. It may be likened to the entry upon the land of a neighbour for the purpose of inquiring into his title. Under these circumstances of anticipated difficulty, it becomes his duty as well as his pleasure, to acknowledge the uniform attention and civilities he experienced from all parties, whether in official or in private stations. All possibility of interruption by the local authorities was prevented by a proclamation of his Excellency Sir John Harvey, K.C.B., Lieutenant-Governor of the Province of New Brunswick; and the British Warden, Colonel Maclauchlan, was personally instrumental in promoting the comforts of the Commissioner and his assistants. Similar attentions were received from the officers of the garrison at Fort Ingall, the Commandandant of the citadel of Quebec, and from his Excellency the Governor-General. Even the private persons, whose property might be affected by the acknowledgment of the American claim, exhibited a generous hospitality.

The party under the direction of Captain Talcott left the settlements on Hall's stream on the 6th of September. The main branch of this was followed to its source in a swamp, in which a branch of the St. Francis also had its origin. From this point the party followed the ridge dividing the Atlantic from the St. Lawrence waters, until it was supposed that all the branches of Indian stream had been headed. In this work the party was employed until the 14th of September. It had now arrived at a point where the Megalloway River should be found to the left, according to the most authentic maps of the country, especially that prepared by the New Hampshire Commissioner, appointed in 1836 to explore the boundary of that State, and accompanying that Report. The party accordingly bore well north, to avoid being led from the true "height of land," by the dividing ridge between the Connecticut and Androscoggin Rivers. After crossing several small streams it came on the afternoon of the 15th, to a rivulet about twelve feet wide, running to the east, which was supposed to be the main Megalloway; the 16th was spent in exploring it to its source. The next day it was discovered that what had been taken for the Megalloway was a tributary of Salmon River, a large branch of the St. Francis; and consequently the party was considerably to the north of the boundary.

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The supply of provisions did not allow the party to retrace its steps to the point where it had diverged from the true dividing ridge. The course was therefore changed until it bore a little south; but it was not until the 22nd that the party found itself again on the dividing ridge, and then upon the waters of the Megalloway.

The party reached Arnold River, or Chaudière, above Lake Megantic, on the 24th September. After having recruited, and taken a fresh supply of provisions from the depôt established there, the party was divided into two detachments. One returned westward, to find the corner of the State of New Hampshire, as marked by the Commission in 1789, appointed to trace the Boundary Line.

It was there ascertained that the corner was on the true dividing ridge, and not from eight to ten miles south, as has been erroneously reported by the surveyor employed by the New Hampshire Commissioners in 1836, and reiterated in several official papers. From the State corner, the dividing ridge was followed to where it had been previously explored by the party. Thence a course was taken north-east, so as to reach the head of Lake Megantic, and thence to Lake Megaumac, where, on the 8th October, the two detachments were again united. The detachment led by the assistant, Mr. Gutts, had successfully followed the dividing ridge from the camp of the 24th, on Arnold River to this place.

It was now ascertained that the provisions remaining were not sufficient to subsist all of the company until the Kennebec road could be reached by following the *height of land.* It was found advisable again to separate into detachments, —one to follow the ridge, supplied with provisions for twenty days, and the other to strike for the nearest settlement, which it was supposed could be reached in four or five days. This movement commenced on the 10th of October, and the detachment, following the high land, reached the Kennebec road on the 23rd; and on the following day, provisions for the party for fifteen days were placed there, and a like quantity at the mouth of the Metjarmette. It was intended that the two detachments should move simultaneously from these two points on the 26th, to explore the Boundary Line as far as Lake Etchemin. A deep snow, which commenced falling on the night of the 25th, compelled the Commissioner to abandon farther exploration at that time; and there was not the slightest probability that they could be resumed before another year.

The result of these explorations may be stated as follows:—

About 160 miles of country along or near the "height of land" have been traversed, the travelled distances carefully estimated, and the courses measured with a compass. Barometrical observations were made as often as necessary for giving a profile of the route from the head of Hall's stream to Arnold's, or the Chaudière river, and thence to Lake Megaumac, *viâ* the corner of the State of New Hampshire. Some farther barometrical observations were made between this lake and the Kennebec road,—but, for a portion of that distance, the barometer was unserviceable in consequence of air having entered the tube. Astronomical observations were made as often as there was an opportunity, but, owing to the prevalence of clouds, not as often as was desirable. They will serve for correcting the courses and estimated distances as travelled. Barometrical observations for comparison were made at the intersection of the Kennebec road and height of land, hourly, from seven A.M. to five P.M., while the parties were on the dividing ridge.

The only discovery of interest made by this party, is, that the Megalloway river does not head any of the branches of the Connecticut, as it was generally believed it did; and, consequently, our claim to Hall's stream is deprived of the support it would have had, from the fact that all the other branches were headed by an Atlantic river, and, consequently, could not be reached by the line along the height or land from the north-west angle of Nova Scotia.

The other Commissioner (Major J. D. Graham) did not receive his appointment until the 16th of August, to fill the place left vacant by the non-acceptance of Professor Cleaveland; aud to him was assigned the survey and examination of the due north line, commencing at the source of the River St. Croix, and extending to the highlands which divide the waters that flow into the River St. Lawrence, from those which flow into the Atlantic Ocean.

Immediately after receiving his appointment, he took the necessary steps for organizing his party; and, in addition to two officers of the corps of topographical

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engineers, assigned to him by the commandant of the corps of this service, he called to his aid two civil engineers possessing the requisite qualifications for the duties to be performed. So soon as the requisite instruments could be procured and put in proper order, he left New York for Portland, Maine, where he arrived on the 5th of September, expecting there to join his colleagues of the Commission. They had, however, proceeded to the points designated for the commencement of their respective duties; the season being too far advanced to justify their incurring any further delay.

At Portland, a short conference was had with Mr. Stubbs, the agent of the State Department, who furnished the necessary means for procuring an outfit for the party, in provisions, camp equipage, &c.

The party then proceeded to Bangor, where it was occupied until the 12th, in procuring the necessary supplies of provisions, camp equipage, transportation, &c., to enable it to take the field; and a few astronomical observations were made here for the purpose of testing the rates of the chronometers which were used upon this service, as well as of obtaining additional data for computing the longitude of the place, which, together with the latitude, had been determined by the Commissioner, by a very near approximation, in the summer of 1838, while occupied upon the military reconnoissance of the north-eastern frontier.

On the 12th, the party left Bangor for Houlton, where it arrived on the evening of the 13th. A depôt of provisions was established here, for supplying the line of their future operations, and the services of the requisite number of men, as axe-men, chain-bearers, instrument carriers, &c., were engaged.

Pending these preparations, and the time necessarily occupied in cutting a roadway through the forest from a convenient point on the Calais road, to the monument at the source of the River St. Croix, a series of astronomical observations was made, both by day and by night, by which the latitude and longitude of Houlton were satisfactorily determined, and the rates of the chronometers farther tested.

By the 24th of September, the roadway was sufficiently opened to permit a camp to be established upon the experimental meridian line traced by the United States' and British surveyors in the year 1817, when an attempt was made to mark this portion of the boundary between the two countries, agreeably to the provisions of the Treaty of Ghent of 1815.

The provisions and camp equipage were transported upon a strong, but roughly-constructed sled, drawn by horses, while the instruments were carried by hand; the surface of the country over which this roadway was opened being too rough for any wheel vehicle to pass.

The point decided upon as the true source of the River St. Croix, by the United States' and British Commissioners appointed for that purpose, under the 5th Article of the Treaty of 1794, was found and identified, both by the inscriptions upon the monument erected there to mark the spot, and also by the testimony of a living witness of high respectability, who has known the locality since it was first designated by the Commissioners under the Treaty of 1794.

The avenue, which had been cleared through a dense forest from the monument to a distance of twelve miles north of it, by the surveyors in 1817, was easily recognized by the new and thick growth of young timber, which, having a width of from forty to fifty feet, now occupied it. Axe-men were at once set at work to re-open this avenue, under the supposition that the due north line would at least fall within its borders for a distance of twelve miles. In the mean time, the first astronomical station and camp were established, and the transit instrument set up at a distance of 4,578 feet north of the monument upon an eminence 45½ feet above the level of its base. This position commanded a distinct view of the monument to the south, and of the whole line to the north for a distance of eleven miles, reaching to Park's Hill.

While the work of clearing the line of its young growth of timber was progressing, a series of astronomical observations was commenced at this first camp, and continued both day and night without intermission (except when interrupted by unfavourable weather,) with the sextants, the repeating circle of reflection, and the transit instrument, until the latitude and longitude of the monument and of this first camp were satisfactorily ascertained, and also the direction of the true meridian from the said monument, established. For this latter purpose, several observations were in the first place made upon the polar star (*Alpha* Ursæ

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Minoris) when at its greatest eastern diurnal elongation; and the direction thus obtained was afterwards verified and farther corrected, by numerous transit observations upon stars passing the meridian at various altitudes both north and south of the zenith. These were multiplied with every degree of care, and with the aid of four excellent chronometers, whose rates were constantly tested, not only by the transit observations, but also by equal altitudes of the sun in the day, to correct the time at noon and midnight, and by observed altitudes of east and west stars, for correcting the same at various hours of the night.

The direction of this true meridian, as thus established by the Commissioner, was found to vary from the experimental line traced by the surveyors of 1817, by running in the first place to the west of their line, then crossing it, and afterward deviating considerably to the east of it.

At the second principal station erected by the party, distant 6 miles and 3,952 feet north of the first camp, or 7 miles and 3,240 feet north of the monument, it found itself sixty feet to the west of the line of 1817. This appeared to be the maximum deviation to the west of that line, as near as its trace could be identified, which was only marked by permanent objects recognized by the party, at the termination of each mile from the monument. Soon after passing this station, the line of 1817 was crossed; and the party did not afterward touch it, but deviated more and more to the east of it as it progressed north, but by an irregular proportion to the distance advanced.

In order to obtain a correct profile or vertical section along the whole extent of this meridian-line, in the hope of furnishing data for accurate comparisons of elevations, so far as they might be considered relevant to the subject in dispute between the two Governments, and also to afford an accurate base of comparison for the barometers along an extended line, which must traverse many ridges that will be objects of minute exploration for many miles of lateral extent, an officer was detailed to trace a line of levels from the base of the monument, marking the source of the River St. Croix, to tide-water, at Calais, in Maine, by which means the elevation of the base of the monument, above the planes of mean low and mean high water, and also the elevation of several intermediate points of the River St. Croix on its expanded lake surface, have been accurately ascertained.

Another officer was, at the same time, charged with tracing a line of levels from the base of the same monument along the due north line, as marked by the Commissioner, by which it is intended that every undulation, with the absolute heights above the plane of mean low water at Calais, shall be shown along the whole extent of that line.

At Park's Hill, distant nearly twelve miles from the monument, a second station for astronomical observations was established, and a camp suitable for that purpose was formed. On the 26th day of October, while occupied in completing the prolongation of a meridian line to that point, and in establishing a camp there, the party was visited by a snow storm, which covered the ground to a depth of four inches in the course of six hours. This was succeeded by six days of dark, stormy weather, which entirely interrupted all progress, and terminated by a rain, with a change to a milder temperature, which cleared away the snow. During this untoward event, the parties made themselves as comfortable as practicable in their tents, and were occupied in computing many of the astronomical and other observations previously made.

On the 2nd of November, the weather became clear, and the necessary astronomical observations were immediately commenced at Park's Hill. From this elevated point, the first station could be distinctly seen by means of small heliotropes during the day, and bright lights erected upon it during the night. Its direction, with that of several intermediate stations due south of Park's Hill, was verified by a new series of transit observations upon high and low stars, both north and south of the zenith. By the same means, the line was prolonged to the north.

In one week after commencing the observations at Park's Hill, the weather became again unfavourable; the sky was so constantly overcast as to preclude all astronomical observations, and the atmosphere so thick as to prevent a view to the north, which would permit new stations to be established with sufficient accuracy in that direction. Unwilling to quit the field while there was a prospect of the weather becoming sufficiently favourable for the party to reach the latitude of Mars' Hill, or even proceed beyond it, it was determined that some of the party should continue in the tents, and there occupy themselves with such calculations

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as ought to be made before quitting the field. The officers charged with the line of levels, and with the reconnoissances in advance for the selection of new positions for stations, continued their labours in the field, notwithstanding they were frequently exposed to slight rain and snow storms, as these portions of the work could go on without a clear sky.

On the 13th of November a severe snow storm occurred, which, in a single night and a portion of the following morning, covered the surface of the whole country, and the roofs of the tents, to a depth of sixteen inches. The northern extremity of the avenue, which had been cleared by the surveyors of 1817, was now reached, and, in addition to the young growth which had sprung up since that period upon the previous part of the line, several miles had been cleared through the dense forest of heavy timber, in order to proceed with the line of levels, which had reached nearly to the Meduxnakeag. The depth of snow now on the ground rendered it impracticable to continue the levelling, with the requisite accuracy, any farther; and that part of the work was accordingly suspended for the season. The thermometer had long since assumed a range extending during the night, and frequently during a great portion of the day, to many degrees below the freezing-point.

The highlands bordering on the Aroostook, distant forty miles to the north of the party, were distinctly seen from an elevated position, whenever the atmosphere was clear; and a long extent of intermediate country, of inferior elevation to the position then occupied, presented itself to the view, with the two peaks of Mars' Hill rising abruptly above the general surface which surrounded their base. The eastern extremity of the base of the easternmost peak was nearly two degrees of arc, or nine-tenths of a mile in space, to the west of the line as it passed the same latitude.

To erect stations opposite to the base of Mars' Hill, and upon the heights of the Aroostook, in order to obtain exact comparisons with the old line at these points, were considered objects of so much importance, as to determine the Commissioner to continue the operations in the field to the latest practicable period, in hopes of accomplishing these ends.

On the 18th day of November the party succeeded in erecting a station opposite Mars' Hill, and very near the meridian line. It was thus proved that the line would pass from nine-tenths of a mile to one mile east of the eastern extremity of the base of the north-easternmost peak of Mars' Hill.

On the 30th of November, a series of signals was commenced to be interchanged at night, between the position of the transit instrument on Park's Hill and the highlands of Aroostook. These were continued at intervals, whenever the weather was sufficiently clear, until, by successive approximations, a station was, on the 9th of December, established on the heights one mile south of that river and on the meridian line. The point thus reached is more than fifty miles from the monument at the source of St. Croix, as ascertained from the land surveys made under the authority of the States of Maine and Massachusetts. The measurements of the party could not be extended to this last point, owing to the depth of the snow, which lay upon the ground since the middle of November; but the distance derived from the land surveys must be a very near approximation to the truth. A permanent station was erected at the position established on the Aroostook heights, and a measurement made from it, due west to the experimental or exploring line of 1817, by which the party found itself 2,400 feet to the east of that line.

Between the 1st and 15th of December the observations were carried on almost exclusively during the night, and frequently with the thermometer from zero to ten and twelve degrees below that point by Fahrenheit's scale. Although frequently exposed to this temperature in the performance of their duties in the open air at night, and to within a few degrees of that temperature during the hours of sleep, with no other protection than the tents and camp-beds commonly used in the army, the whole party, both officers and men, enjoyed excellent health.

During the day, the tents in which the astronomical computations were carried on were rendered quite comfortable by means of small stoves, but at night the fire would become extinguished, and the temperature reduced to within a few degrees of that of the outward air. Within the observatory tent, the comfort of a fire could not be indulged in, in consequence of the too great liability to produce serious errors of observation by the smoke passing the field of the tele-

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scope. The astronomical observations were therefore always made in the open air, or in a tent open to the heavens at the top during the hours of observation, and without a fire.

On the 16th of December the tents were struck, and this party retired from the field for the season; there being then more than two feet of snow on the ground. To the unremitting zeal, amidst severe exposures, and to the scientific and practical attainments of the officers both civil and military, who served under the orders of the Commissioner on this duty, he acknowledges himself in a great measure indebted for the progress that he was enabled to make, notwithstanding the many difficulties encountered.

Observations were made, during portions of three lunations, of the transit of the moon's bright limb, and of such tabulated stars as differed but little in right ascension and declination from the moon, in order to obtain additional data to those furnished by chronometrical comparisons with the meridian of Boston, for computing the longitude of this meridian line.

At the first station, 4,578 feet north of the monument, and also at the Park's Hill station, the dip of the magnetic needle was ascertained by a series of observations: in the one case upon two, and in the other upon three separate needles. The horizontal declination was also ascertained, at both these stations, by a full set of observations upon six different needles.

The details of these, and of all the astronomical observations alluded to, will be prepared as soon as practicable for the use of the Commission, should they be required. To his Excellency Major-General Sir John Harvey, K.C.B., Lieutenant-Governor of the province of New Brunswick, Major Graham acknowledges himself greatly indebted for having, in the most obliging manner, extended to him every facility within his power for prosecuting the examinations. From Mr. Connell, of Woodstock, a member of the Colonial Parliament, and from Lieutenant-Colonel Maclauchlan, the British land-agent, very kind attentions were received.

Major Graham has also great pleasure in acknowledging his obligations to General Eustis, Commandant of the Eastern Department; to Colonel Pierce commanding the garrison at Houlton, and to his officers; and also to Major Ripley, of the ordnance department, commanding the arsenal at Augusta, for the prompt and obliging manner in which they supplied many articles useful in the prosecution of the labours of his party.

The transit instrument, with which the meridian line was traced, had been loaned to the Commissioners by the Hon. William A. Duer, President of Columbia College, New York; and the Commissioners feel bound to return their acknowledgments for the liberality with which the use of this astronomical instrument was granted, at a time when it would have been difficult, and perhaps impossible, to have procured one as well suited to the object.

All which is respectfully submitted.

JAMES RENWICK,
JAMES D. GRAHAM, } *Commissioners.*
A. TALCOTT,

Hon. John Forsyth, Secretary of State.

No. 20.

Mr. Fox to Viscount Palmerston.—(Received April 16.)

My Lord, *Washington, March* 15, 1841.

I HEREWITH inclose the printed copy of a Report from a Committee of the State Legislature of Maryland, upon the present state of the North-Eastern Boundary Question. The Report was presented at the session of this year, now recently closed, and the resolutions which it concludes by recommending, were adopted by the two houses of the Legislature.

These docnments profess to support, with the usual American arguments and assertions, the right of the State of Maine to the whole of the territory

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in question, but conclude with recommending a settlement of the dispute by negotiation or compromise, rather than by war. They contain nothing either new or particularly worthy of remark, but have attracted some attention in this country in consequence of the Report being drawn up by Mr. Howard, of Baltimore, now a Senator of the State Legislature of Maryland, but who for some years past, and until the last year, was a member of Congress from Maryland, and Chairman of the Committee of Foreign Affairs of the House of Representatives. Mr. Howard is an adherent of the defeated Van Buren party, and has lately been delivering public lectures to a Mechanics' Institute at Baltimore, upon the subject of the Boundary dispute, in a tone of great animosity against Great Britain.

I have, &c.
(Signed) H. S. FOX.

Inclosure in No. 20.

Report of the Select Committee of Maryland, to whom were referred Resolutions of the States of Maine, Indiana, and Ohio, in relation to the North-Eastern Boundary.

THE Resolutions of the State of Maine are as follows:—

"*Resolved*, That the patriotic enthusiasm with which several of our sister States the past year tendered us with their aid to repel a threatened foreign invasion, demand our grateful recollection, and whilst this spirit of self-sacrifice and self-devotion to the national honour pervades the Union, we cannot doubt that the integrity of our territory will be preserved.

"*Resolved*, That the promptness and unanimity with which the last Congress, at the call of this State, placed at the disposal of the President, the arms and treasures of the nation, for our defence, the firmness of the Executive in sustaining the action of this State, and repelling the charge of an infraction of the arrangement made with the British Lieutenant-Governor in March last, and charging back upon the British Government the violation of that agreement—their decision in demanding the removal of the British troops now quartered upon the disputed territory as the only guarantee that they sincerely desire an amicable adjustment of the Boundary Question, afford us confident assurance that this State will not be compelled single-handed to take up arms in defence of our territory and the national honour, and that the crisis is near, when this question will be settled by the National Government, either by negotiation or by the ultimate resort.

"*Resolved*, That unless the British Government, during the present session of Congress, make, or accept a distinct and satisfactory proposition for the immediate adjustment of the Boundary Question, it will be the duty of the General Government to take military possession of the disputed territory; and in the name of a sovereign State, we call upon the National Government to fulfil its constitutional obligations to establish the line, which they have solemnly declared to be the true boundary, and to protect this State in extending her jurisdiction to the utmost limits of our territory.

"*Resolved*, That we have a right to expect the General Government will extend to this member of the Union, by negotiation or by arms, the protection of her territorial rights, guaranteed by the federal compact, and thus save her from the necessity of falling back upon her natural and reserved rights of self-defence and self-protection—rights which constitutions can neither give nor take away; but, should this confidence of a speedy crisis be disappointed, it will become the imperative duty of Maine to assume the defence of our State and national honour, and expel from our limits the British troops now quartered upon our territory.

"*Resolved*, That the Governor be requested to forward copies of these resolutions to the President and Heads of Departments, and to the Senators and Representatives in Congress from this State, with a request to the latter to lay them before the respective bodies of which they are members, also to the Governors of the several States with a request to lay them before their several Legislatures."

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The Legislatures of Ohio and Indiana have passed resolutions responsive to the above; expressing hopes that the dispute between the United States and Great Britain will be amicably settled, but tendering "the whole means and resources of the respective States to the authorities of the Union in sustaining onr rights and honour."

Invited by the State of Maine to express an opinion upon a subject deeply interesting to that State and also to the United States, the Legislature of Maryland cannot do this with propriety unless after a careful examination into the merits of the case. The question is one which cannot be clearly understood, without a reference to numerous State papers, but which, when disembarrassed of the refinements which diplomatic subtlety has thrown around it, is easily intelligible. It is the intention of the Committee to give a succinct statement of the different views entertained by the Governments of the United States and Great Britain, without entering into the details of the arguments by which they are respectively sustained, for which a volume would be requisite instead of the ordinary limits of a report. Nothing, however, which is deemed material to a fair exposition of the case, will be intentionally omitted. Three maps are annexed to the Report, without which the Committee could not make themselves understood.

The Second Article of the Provisional Treaty of Peace executed on the 30th of November, 1782, and the Second Article of the Definitive Treaty of Peace between the United States and Great Britain, executed on the 3rd day of September, 1783, use the same language in describing the boundaries of the United States, viz.:—"From the north-west angle of Nova Scotia, viz., that angle which is formed by a line drawn due north from the source of the St. Croix river to the highlands; along the said highlands which divide those rivers that empty themselves into the River St. Lawrence from those which fall into the Atlantic Ocean, to the north-westernmost head of the Connecticut river," &c.; and after tracing the boundary round to the north and west, the description concludes with the eastern line as follows:—"East by a line to be drawn along the middle of the River St. Croix, from its mouth in the Bay of Fundy to its source, and from from its source directly north to the aforesaid highlands which divide the rivers that fall into the Atlantic Ocean from those which fall into the River St. Lawrence."

These lines have never yet been traced and marked upon the surface of the earth. The north-eastern corner of the United States, and north-western part of Nova Scotia offered few inducements to settlers, on account of the comparative unproductiveness of the soil. The people of Massachusetts and Maine moved to the fertile regions of the west, and those who desired to settle in the British dominions, passed on to Lower or Upper Canada. No practical inconvenience was, therefore, felt by the want of precise knowledge as to the actual position of the Boundary Line, except on the seaboard, where the population was more dense. To remove this difficulty, the Vth Article of the Treaty of 1794 recites, "that doubts had arisen what river was truly intended under the name of the River St. Croix, mentioned in the Treaty of Peace, and forming a part of the boundary therein described," and provides for the appointment of three Commissioners who should "be sworn impartially to examine and decide the said question." Both nations agreed to "consider such decision as final and conclusive, so as that the same should never thereafter be called into question, or made the subject of dispute or difference between them."

In execution of this Article a Board of Commissioners was appointed, who not only decided which was the true head of the St. Croix, but placed a monument there, which has, until the last few months, been admitted on all sides to be the place of departure in running the Eastern Boundary Line of the United States. The Report of Messrs. Featherstonhaugh and Mudge proposes to the British Government to rescind all its action under that Treaty, alleging that the Commissioners erred in their decision. Of that Report it will be necessary to speak more particularly hereafter, and it is alluded to here only to express the surprise which is felt that any public functionaries of the Government of Great Britain should deliberately make to that Government such a reckless proposal. It is now more than forty years since that monument was erected, under a guarantee from Great Britain that the decision should never thereafter be called into question, or made the subject of dispute or difference between the two nations. If the theory of Messrs. Featherstonhaugh and Mudge will not stand,

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consistently with the continuance of the monument, it is the theory and not the monument which must be removed.

The Treaty of Ghent, signed on the 24th of December, 1814, in its Vth Article, after reciting that "neither that point of the highlands lying due north from the source of the River St. Croix, and designated in the former Treaty of Peace between the two Powers as the north-west angle of Nova Scotia, nor the north-westernmost head of Connecticut river had yet been ascertained, nor that part of the boundary line between the dominions of the two Powers which extends from the source of the River St. Croix, directly north, to the above-mentioned north-west angle of Nova Scotia, thence along the said highlands which divide those rivers that empty themselves into the River St. Lawrence, from those which fall into the Atlantic Ocean," had been surveyed, provided for the appointment of Commissioners to ascertain and determine the points above-mentioned, and cause the boundary to be surveyed and marked. If they differed in opinion, a reference of the disputed points was to be made to some friendly Sovereign or State, who should be requested to decide on the differences which might be stated in the Reports of the Commissioners.

In the execution of this duty, the Joint Commissioners started from the monument which they found at the head of the St. Croix river, and proceeded to run the line due north, as called for by the Treaty of 1783. It is remarkable that in the performance of this important service, neither set of Commissioners was furnished with the instruments necessary to run the line with astronomical precision. They used only a surveyors' compass, correcting it by such indecisive observations of the stars as they were able to make without the appliances of accurate philosophical instruments; and the line which they ran has been since proved to be entirely wrong. After proceeding in what they thought to be a due north course for about forty miles, they came to an insulated hill, called Mars Hill, where the British Commissioners insisted upon stopping; alleging that they had found the north-west angle of Nova Scotia, and also the highlands which divided those rivers that empty themselves into the River St. Lawrence from those which fall into the Atlantic Ocean. They then turned westwardly, and traced a very crooked line around the heads of these streams which flow into the Aroostook river, which discharges itself into the St. John's, and those which fall into the Atlantic rivers. This line, they said, was the Northern Boundary of the United States; and separate Reports being made by the Commissioners to the two Governments, it was agreed on the 29th day of September, 1827, to refer the matter to some friendly Sovereign or State, and various stipulations were entered into for the purpose of facilitating the decision of the arbiter. Mitchell's map, which is annexed to this Report, is admitted, upon both sides, to be "the map by which the framers of the Treaty of 1783 are acknowledged to have regulated their joint and official proceedings," and another map, also annexed to this Report, was "agreed upon by the contracting parties as a delineation of the water courses and of the boundary lines in reference to the said water courses, as contended for by each party respectively."

The King of the Netherlands, the selected arbiter, decided on the 10th of January, 1831, "that he could not adjudge either of the lines to one of the said parties, without wounding the principles of law and equity with regard to the other," and proposed a new Boundary Line, running from the monument due north to the middle of St. John's river, up that river to the St. Francis, one of its branches, thence to its south-westernmost source, and thence due west to the line claimed by the United States. This proposition was, in June, 1832, declined by the American Government. Great Britain was willing to accept it, but, after some time yielded to the wish of the United States, that the question should be again open for negotiation. Since that time numerous diplomatic notes have been exchanged between the two Governments, a minute examination of which would lead the committee too far from the purpose which they have in view. Great Britain first assumed the ground that an attempt to find the Treaty line was declared by the arbiter to be hopeless; but afterwards agreed to the proposition of the American Government to institute a new survey, coupled, however, with a condition that the Commissioners should be instructed to consider the St. John's River, as not being one which emptied itself into the Atlantic Ocean. It was in vain that the American Government remonstrated against this, as requiring a preliminary abandonment of its whole argument; the condition

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was insisted upon, until the disturbances upon the frontier, in February, 1839, placed the peace of both nations in great peril. The latest exhibition of the state of the negotiation which the Committee can find in the papers within their reach, is a Note from Mr. Fox to Mr. Forsyth, containing the following extract:—

Mr. Fox to Mr. Forsyth.

"*June* 22, 1840.

"The Undersigned is accordingly instructed to state officially to Mr. Forsyth, that Her Majesty's Government consent to the two principles which form the main foundation of the American Counter-Draft, namely: first, that the Commission to be appointed shall be so constituted as necessarily to lead to a final settlement of the question of Boundary at issue between the two countries; and, secondly, that in order to secure such a result, the Convention by which the Commission is to be created, shall contain a provision for arbitration upon points, as to which the British and American Commissioners may not be able to agree.

"The Undersigned is, however, instructed to add, that there are many matters of detail in the American Counter-Draft which Her Majesty's Government cannot adopt," &c.

This prospect of a final settlement is far from being satisfactory. The "matters of detail" which "Her Majesty's Government cannot adopt," may be spun out by diplomatic finesse to an inextinguishable length. All the practical good which Great Britain could derive from the ownership of the soil, she draws from its possession under the existing temporary arrangement between the two Governments. The road from the Capital of New Brunswick to Quebec, passes through the corner of the Disputed Territory, and the right of transit constitutes its chief value. As long, therefore, as Great Britain enjoys under a temporary understanding all the benefit which an ultimate settlement in her favour could bestow, it is her policy to protract the negotiation. She has all the advantages of success, without the hazard of loss. It is to be apprehended that "matters of detail" will be discussed until they become matters of substance. In the mean time, the population of the State of Maine is spreading over a portion of the disputed territory. The geological investigations of that State have shown that the Aroostook River waters some of the finest lands in the State. Roads are constructed from the seaboard northwardly into these fertile regions, and settlements are extending. The danger of border conflicts is annually increasing; armed bodies of men are near each other, with mutually exasperated feelings. Men who will live in the woods, enduring the severity of a northern winter, and follow a pursuit pregnant with danger to life, are apt to be constitutionally brave. This is the case with the lumber-men of Maine. They transport upon the snow to the banks of the frozen streams the lumber which they have prepared in the forest, and wait until those same snows, by their melting, swell the rivers sufficiently to float down their hardly acquired property to a market. This sort of life invigorates men's bodies and courage, but endangers the peace of a disputed frontier. A chance affray which may happen at any time would be likely to result in loss of life; and if blood once be shed it will be difficult, if not impossible, to assuage the popular feeling. With a strong desire to preserve peace on the part of the Governments and people of the United States and Great Britain, still they are in too much danger of accidental collisions between the inhabitants of this border, which they may find themselves unable to restrain. A war between the United States and Great Britain is an evil greatly to be deprecated. It would be an arduous, bloody, and long struggle. The Eastern States, instead of holding back, would upon this Boundary Question be the foremost in the fight. The whole northern frontier of the United States is in an inflammable condition, and would cheerfully respond to a call of their Government; whilst upon the seaboard, the modern improvements in war vessels and gunnery, would spread the horrors of war over our extensive Atlantic coast. The peculiar situation of Maryland must cause its Legislature to look with great anxiety upon any question which is calculated to jeopard the peace of the country. In a question of national honour there is no room for choice or hesitation; neither in the course which Great Britain has pursued in her negotiation with the United States, nor

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in the multitude of disciplined troops which she has spread over our northern frontier, nor in the establishment of a speedy communication by steam between England and the provinces; a communication which the good people of Boston have hailed with such pleasure, unobservant of the motives which have led to its introduction, can the Committee see any purpose but that of resolutely maintaining the supremacy of Great Britain over her North American provinces, and the enjoyment of the military road between Halifax and Quebec. In this attitude of things, the Legislature of Maryland look upon the prospect before us with deep interest. The geographical position of our State makes it more than commonly vulnerable; we have a right, therefore, to express our opinions frankly to the State of Maine and to the Federal Government. To do this with propriety, it becomes necessary to re-examine the Boundary Question carefully, and see whether national prejudices may not have influenced the opinion of the State of Maine as to her rights.

The first mention of our northern boundary is found in the 2nd Volume of the "Secret Journal of Congress," page 133, under the date of February 23, 1779, in a Report of a Committee, of which Mr. G. Morris was chairman:—

"Your Committee are of opinion that the following Articles are absolutely necessary for the safety and independence of the United States, and therefore ought to be insisted on as the ultimatum of these States. 1. That the bounds of the United States be acknowledged and ratified as follows: Northerly by the ancient limits of Canada, as contended for by Great Britain, running from Nova Scotia south-westerly, west, and north-westerly to Lake Nessessing, thence a west line to the Mississippi; easterly by the boundary settled between Massachusetts and Nova Scotia; southerly, &c."

After discussing the Report of this Committee, Congress adopted (March 19, page 138,) a more precise description of the northern boundary, in which the north-west angle of Nova Scotia first makes its appearance, with even more perspicuity than is found in the Treaty itself.

"Congress took into consideration the Report of the Committee of the whole, and agreed to the following ultimata:—1. That the thirteen United States, are bounded, north, by a line to be drawn from the north-west angle of Nova Scotia, along the highlands which divide those rivers which empty themselves into the River St. Lawrence from those which fall into the Atlantic Ocean to the north-westernmost head of Connecticut River, thence, &c., and east, by a line to be drawn along the middle of St. John's from its source to its mouth in the Bay of Fundy, or by a line to be settled and adjusted between that part of the State of Massachusetts' Bay, formerly called the Province of Maine, and the colony of Nova Scotia, agreeably to their respective rights, &c."

The offer here made of varying the boundary so as to make the St. John's River the line, from its source to its mouth, has been recently repeated to the British Government, but then, as formerly, declined. The alternative proposition was carried into effect, and Massachusetts and Nova Scotia left, by the Treaty, where their previously existing rights placed them. The north-west angle of Nova Scotia is assumed in this instruction as the starting point, and this was exactly conformed to by the Commissioners who negotiated the Treaty, except that they undertook to define what that angle was, and where it could be found. Their description of it was accurate, and coincident with the old boundaries of the two Provinces of Massachusetts and Nova Scotia; and both conform to the present claim of the United States.

It is perfectly clear that there must then have been, and must now be, a north-west angle of Nova Scotia somewhere. If Nova Scotia reached to the North Pole on one side, and the Pacific Ocean on the other, it would be difficult to get to the north-west angle, although there would still be one. But with an extent more limited than this, it is only necessary to pnrsue the northern and western boundaries until they meet, in order to find the angle. The specification, therefore, in the instruction of Congress, would, of itself, have been sufficient, without the superadded description in the Treaty; and this will appear from a reference to the limits of Nova Scotia as they existed at the commencement of the revolutionary war. But it so happens that the addition made by the Commissioners corresponds, even in language, with the then existing public documents and grants, and shows that they were entirely familiar with all those papers which have been drawn into the discussion at a more recent period. It may not be amiss to take a cursory glance at the characters and qualification of these Commissioners.

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Dr. Franklin is too well known in the United States to make it necessary or expedient to speak of him. His life is a text-book in our schools; and his name, given as it is to steam-boats, and stages, and inns, and banks, and libraries, and societies, has made his history universally and thoroughly known.

Mr. Jay was his associate for some time before they were both joined by Mr. Adams. The high honour must be given to him of refusing to negotiate with the Envoy of Great Britain until the independence of the United States was acknowledged, and the commission of the British Minister changed accordingly. During the time when the question of peace or war remained suspended upon the determination of Great Britain to continue or change the credentials which she had issued, his responsibility was of the heaviest character, because, in this he differed from his usually sagacious and trusted colleague, Dr. Franklin. And the reputation of Mr. Jay for firmness and sagacity cannot be fully appreciated, until we remember that the course which he then pursued, furnished the basis of the argument by which the Honourable John Quincy Adams afterwards vindicated and preserved the American right to the fisheries of Newfoundland. In the present dispute respecting the boundary, we are met with a repetition of the same idea on the part of Great Britain, that the independence of the United States was granted in the Treaty of 1783; and in both cases, we are indebted to the inflexible spirit of Mr. Jay for affording us the same ground of indignant denial which he made amidst responsibilities which would have shaken a less stout heart.

When Mr. Adams arrived in Paris, it must be mentioned to his honour, that he took sides promptly with Mr. Jay. But Mr. Adams brought also to the negotiation an intimate acquaintance with the boundaries and history of Massachusetts, derived from his active participation in the affairs of the Province. He has left a record of this in his correspondence. Immediately after his arrival in Paris, (October 31, 1782,) we wrote thus to Robert R. Livington, (Sparks' "Diplomatic Correspondence," vol. vi., p. 437)—

"Yesterday we met Mr. Oswald at his lodgings; Mr. Jay, Dr. Franklin, and myself, on one side, and Mr. Oswald, assisted by Mr. Strachey, a gentleman whom I had the honour to meet in company with Lord Howe, upon Staten Island, in the year 1776, and assisted also by a Mr. Roberts, a clerk in some of the public offices, with books, maps, and papers, relative to the boundaries.

"I arrived in a lucky moment for the boundary of Massachusetts, because I brought with me all the essential documents relative to that object, which are this day to be laid before my colleagues in conference at my house, and afterwards before Mr. Oswald."

And again, page 452:—"The Count [Count de Vergennes] then asked me some questions respecting Sagadehock (now Maine), which I answered by showing him the records, which I had in my pocket, particularly that of Governor Pownall's solemn act of possession in 1750; the grants and settlements of Mount Desert, Machias, and all the other townships east of Penobscot river; the original grant of James the First to Sir William Alexander, of Nova Scotia, in which it is bounded on St. Croix river (this grant I had in Latin, French, and English); the dissertations of Governor Shirley and Governor Hutchinson, and the authority of Governor Bernard, all showing the right of Massachusetts to this tract to be incontestible. I added, that I did not think any British Minister would ever put his hand to a written claim of that tract of land, their own national acts were so numerous and so clear against them."

It is impossible that these men should not have known where the north-west angle of Nova Scotia was. Where they thought it was, the United States say it is now. Great Britain has sometimes said, that it was not to be found anywhere; and at other times has placed it at a point beyond which the Province of New Brunswick (carved out of Nova Scotia) has always exercised jurisdiction, which continues, according to the Report of Featherstonhaugh and Mudge, to the present day; for they say, that the jurisdiction of New Brunswick reaches to the Restigouche River, a hundred miles north of where the north-west angle is said to be. The practice of Great Britain, therefore, always has contradicted her own argument. It is not possible to discard from the Treaty the plain reference to the then existing boundary of Nova Scotia. Wherever its northern and western lines intersected each other, there the boundary of the United States commenced; and yet we find eminent British statesmen asserting, that the Treaty had no regard to previously existing lines, but that it adopted a new description altogether.

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Even as late as 1838, this idea is again repeated in a letter, from which the following is an extract :—

"*Lord Palmerston to Mr. Stevenson.*

"*Foreign Office, April* 16, 1838.

"In answer to the argument which is employed by Mr. Stevenson, with respect to the boundaries between the British possessions and the United States, the Undersigned begs leave to observe, that the Treaty of 1783 laid down the boundary between the United States and the British possessions, not by reference to the then existing, or to the previously existing, boundaries of the British provinces, whose independence was then acknowledged, but with reference to a geographical description contained in the Treaty itself, &c., &c."

Massachusetts and Nova Scotia were contiguous to each other, for there was nothing between them. Of course, the north-west angle of Nova Scotia, and the north-east angle of Massachusetts were the same mathematical point; and the ancient charters clearly demonstrated where that point was to be found.

The charter of Nova Scotia, granted by James the First to Sir William Alexander, in 1621, with which Mr. Adams was so familiar as to carry in his pocket a copy of it in Latin, French, and English, run thus;—

"Beginning at Cape Sable, &c., &c., to the river, commonly called St. Croix, and to the most remote spring or source, which, from the western part thereof, first mingles with the river aforesaid; from thence, by an imaginary direct line, which may be conceived to stretch through the land, or to run towards the north to the nearest road, river, or spring, emptying itself into the great river of Canada, &c."

Upon a comparison of this line with that, which, in the Treaty, is declared to be the Eastern Boundary of the United States, it will be found to differ only in the following three points:—

1. It adopts the "western source" of the St. Croix, whereas the Treaty merely says "source," as the point from which to run the northern line.

2. It runs the line towards the north, and the Treaty uses two expressions, "due north" and "directly north."

3. It extends the line to the St. Lawrence, and the Treaty stops it at the intermediate highlands.

The two first of these differences are of little consequence. In fact, they may more properly be considered as different descriptions of the same line, the latter in date correcting, by subsequent geographical knowledge, the error of the former, than as the adoption of different lines. The third difference followed as a necessary consequence, from the excision of the northern portion of the line by the annexation of that part of the country to Canada, in 1763, after its conquest.

The Report of Messrs. Featherstonhaugh and Mudge advances the extravagant proposition, that the original grant of Nova Scotia was from the source of the St. Croix to the River Chaudière, thus running a north-westerly direction, instead of "towards the north." It may be proper to bestow a passing notice upon this pretension.

The idea is not original with these Commissioners. It was alluded to in the British argument before the King of the Netherlands, as a position which might be taken, but they did not assume it. Availing themselves of this hint, and desirous of destroying the identity of the present American claim with the original chartered boundary of Nova Scotia, the Commissioners boldly advance the doctrine for the three following reason:—

1. That the translation of the Latin grant justifies the ground.

2. That the grant calls to run "ad proximam navium stationem," which must mean Quebec.

3. That an ancient map so places the line.

It is alleged by these Commissioners that the words "versus Septentrionem," in the original Latin grant, are not to be strictly construed "towards the north," because in a preceding passage of the grant, the same words are found as applying to the line from Cape Sable to St. Mary's Bay, which line, it is admitted, is in a course nearly west; and the argument is, that if these words describe a line nearly

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west in one part of the grant, they may do so in another. To furnish a basis for this argument, the same liberties are taken with the rules of the Latin Grammar, that are brought to bear upon ranges of mountains; both are unceremoniously moved out of their established position, in order that the theory of the Commissioners may have room to stand. It may possibly be the case that the translation which they give, was inconsistent with the rules of the Latin tongue, when the "abraded mountains," which they put upon their line stood erect; but it finds no sanction in the genius of that language as it was understood by Horace, and Virgil, and Cicero.

The following is the extract which they give from the grant:

"Omnes et singulas terras Continentis ac insulas situates et jacentes in America intra caput sen promontorium communiter Cap de Sable appellat. Jacen prope latitudinem quadraginta trium graduum ant eo circa ab equinoctiali linea versus Septentrionem, a quo promontoris versus littus maris tenden ad occidentem ad tationem Sanctae Mariae navium vulgo Sanctmareis Bay."

Their literal translation:—All and each of the lands of the continent, and the islands situated and lying in America, within the headland or promontory, commonly called Cape Sable, lying near the forty-third degree of latitude from the equinoctial line or thereabouts. From which promontory stretching westwardly towards the north, by the sea shore, to the naval station of St. Mary, commonly called St. Mary's Bay."—*Report*, pages 24 and 25.

To separate the words "versus septentrionem" from "ab equinoctiali linea," to which they properly belong, and thrust them into the middle of the succeeding paragraph, is to do violence to all the rules of grammar. The plain meaning of the phrase is, "from the equinoctial line towards the north," that is, "northern latitude."

2. The second reason is, that the termination of the line from the source of the St. Croix, must be, by the grant of 1621, at some "navium statio," which the Commissioners translate "naval station," or a place where ships are accustomed to ride. Quebec, they say, was the only naval station on the St. Lawrence, and therefore to Quebec the line must go. But they omit to state that these same words are twice used in the preceding part of the grant, and applied successively to "St. Mary's Bay" and the Bay of Fundy. To neither of these places can, or could ever be applied the epithet of "naval station," in the sense of the Commissioners. Quebec was not then in a situation to be called a naval station in the modern acceptance of the term. Selected as a site about 1603, it was not begun until 1608, and then some "rude cottages were framed, a few fields cleared, and one or two gardens planted."—1 *Bancroft*, p. 23.

"In 1620, Champlain began a fort, and in a few years (1624) the castle of St. Louis, so long the place of council against the Iroquois and against New England, was durably founded on a commanding cliff."—1 *Bancroft*, p. 29.

It belonged to France; and whatever inducement there might have been to make a boundary line terminate at a "naval station" of the same country, there could have been no possible motive for its striking the St. Lawrence opposite to a post occupied as such by another nation.

3. The third reason is the existence of an old map made in 1689, by Coronelli, a Venetian, which places the boundary line of Nova Scotia from the St. Croix to the mouth of the Chaudière opposite to Quebec. Where this map was found does not appear. It was not used in the argument before the arbiter, but it is manifestly entitled to no confidence, because it places Nova Scotia on the south instead of the north side of the line.

The reasons against this position of the Boundary Line of Nova Scotia, are as follows:—

1. In 1663, Charles the Second granted to his brother James, Duke of York, the following land, viz.: beginning at a certain place, called or known by the name of St. Croix, adjoining to New Scotland, in America, to the river of Kennebec, and so up by the shortest course to the river of Canada, northwards. This grant would divide Nova Scotia into two separate parts, according to the location of the latter by the Commissioners; but if the American line be adopted, the two grants are in harmony with each other, lying on opposite sides of a line running from the source of the St. Croix, north.

2. The line is contradictory to all the official acts of the British Government anterior to the American Revolution, and to the maps which were recognized as authority. Mitchell's map, for example, made in 1755, was held in such high

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esteem, that the negotiators of the Treaty of 1783 were governed entirely by it. It has been already stated that "Mr. Roberts, a clerk in some of the public offices" in London, crossed the channel with "books, maps, and papers relative to the boundaries," which were used by the Ministers. If then, Mitchell's map was selected from all these as the most orthodox, and the Boundary Line of Nova Scotia was represented upon that map as running due north, it is inconceivable that the true line should have gone to the Chaudière.

Mr. Gallatin, after giving a list of nineteen different maps published in England between 1763 and 1783, "being all the maps that could be found after a diligent search both in England and America," says, "in every instance the course of the line from the source of the River St. Croix is northward; in every instance that line crosses the River St. John and terminates at the highlands in which the rivers that fall into the St. Lawrence have their sources; in every instance, the north-west angle of Nova Scotia is laid down on those highlands and where the north line terminates; in every instance, the highlands, from that point to the Connecticut River, divide the rivers that fall into the River St. Lawrence from the tributary streams of the River St. John and from the other rivers that fall into the Atlantic Ocean."

Mr. Gallatin also enumerates four maps published in England between the preliminary and definitive Treaties, (November, 1782, and September, 1783,) in all of which "the boundaries of the United States are laid down as now claimed by the United States, and are the same with those delineated in the preceding maps, as the boundaries of the Provinces of Quebec and Nova Scotia."

Assuming then that the Boundary Line of Nova Scotia, by its original charter, ran due north as it is laid down in Mitchell's map, we have reached one very important stage of the investigation; because this original line was never changed by the British Government, and we are thus enabled to see very clearly what is the Western Boundary of Nova Scotia. To find the north-west angle, where the American Boundary is made to begin by the Treaty of 1783, we have only to ascertain where the Northern Boundary is; and the solution of the problem must be ascertained. If Nova Scotia had a circular boundary like the northern part of the State of Delaware, it might have no angle. But as its boundaries are straight lines, its north-west angle can be found with as much certainty as one of the corners of a square chamber. Where then is or was the northern limit of Nova Scotia?

By the original charter, the province was bounded on the north by the River St. Lawrence, and the north-west angle was, of course, at the point where the Boundary Line from the St. Croix insected the St. Lawrence. It so remained until the termination of the war of 1756. Canada having been wrested from France, the King of England, in 1763, chose to re-model his American dominions. In doing this there was much political sagacity exhibited. Natural boundaries are the best between separate jurisdictions. Where the laws of trade lead men to go, it is best that civil regulations should encourage them to go. From an inspection of Mitchell's map, it will be seen that the basin of the St. Lawrence is not extensive on the southern side. The streams which flow into it are short in their course, and must be rapid, because long rivers, flowing in an opposite direction, take their rise near their heads; these short and rapid streams were even then occupied by saw-mills, the lumber from which found its market at Quebec. It was, therefore, highly expedient that the country which traded with Quebec, should be placed under the jurisdiction of Canada, and a Royal Proclamation of October, 1763, wisely enlarged Canada, by describing its southern boundary as follows. viz:—

"Passing along the highlands which divide the rivers that empty themselves into the said River St. Lawrence, from those which fall into the sea, and also along the north coast of the Bay of Chaleurs and the coast of the Gulf of St. Lawrence to Cape Rosiers."

In the ensuing month, the boundary of Nova Scotia was for the first time changed; for in November, 1763, Montague Wilmot was appointed Governor of Nova Scotia, whose boundaries were altered, to correspond with the Proclamation, viz:—

"To the mouth of the River St. Croix, by the said river to its source, and by a line drawn north from thence to the southern boundary of our Colony of Quebec."

And in the Commissions issued in 1767, to William Campbell, and in 1761, to Francis Leggee, Nova Scotia is described as above.

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In 1774, an Act of Parliament (14th George IIIrd) was passed, describing the boundary of the Province of Quebec, as follows:—

"Bounded on the south by a line from the Bay of Chaleurs, along the highlands which divide the rivers which empty themselves into the St. Lawrence from those which fall into the sea."

The American claim is now, that the Boundary is precisely where the original charter of Nova Scotia, and the above-mentioned Proclamation and Act of Parliament put it. If the southern boundary of Canada is not to be found in those documents, where is it to be found? No subsequent legislation of Great Britain has designated it, and it must, of necessity, exist there only. If the present American and British claims be tested by these papers, the following will be the result:

The American line runs from the north coast of the Bay of Chaleurs, along highlands which divide rivers which empty themselves into the St. Lawrence, from those which unite with the St. John's River, and then fall into the sea through the Bay of Fundy.

The British line requires to be noticed as it was claimed before the arbiter and by Featherstonhaugh and Mudge. These lines vary considerably, as an inspection of the maps annexed hereto will show.

As it was claimed before the King of the Netherlands, it winds around the heads of the streams which flow upon one hand into the Aroostook and the Allegash (tributaries to the St. John's) and the St. John's, and upon the other into the Kennebec and the Penobscot. But from the eastern termination of the line to the Bay of Chaleurs there is no attempt to trace it on the map, or reconcile it with the description of it in the Proclamation of 1763. That this cannot be the line meant by the Proclamation and subsequent Act of Parliament is manifest from the following reasons:

That the Proclamation calls for a range of highlands from the Bay of Chaleurs, whereas in the argument before the King of the Netherlands, it was not pretended that any such range existed from the Bay of Chaleurs to Mars Hill, the alleged termination of the Eastern Boundary Line of the United States.

That such a line would be contradictory to the undeviating practice of the British Government in maintaining jurisdiction over its own provinces, because if that line be correct, all to the north of it would belong to Canada, and Featherstonhaugh and Mudge say that the jurisdiction of New Brunswick extends northward to the bank of the Restigouche.

That such a line divides waters which fall into the St. John's from others which fall into the sea, and does not approach within from 50 to 100 miles, those waters which fall into the St. Lawrence.

The line, as proposed to be run by Featherstonhaugh and Mudge, runs along the southern bank of the Aroostook, and leaves Mars' Hill, for which the British Government has so stoutly contended, about twenty miles within the territory of the United States. Of course, these Commissioners disapprove of the former pretensions of Great Britain. It remains to be seen whether that Government will adhere to its former claim and condemn its Commissioners, or adopt their report and condemn the line which, for so many years and at so much trouble, it has hitherto maintained.

The objections to this line are, that when extended it strikes the south, instead of the north, coast of the Bay of Chaleurs, which the Proclamation requires, and that it passes along no highlands at all. The geologist has discovered from sundry stones found there, that a range of highlands once existed which are now abraded. Some of the objections to the other line are also common to this. The map shows that on the east of the St. John's, the range of highlands as projected is coincident with the bed of the Tobique River. That a river should flow along a ridge of highlands, or even across it, is not surprising; but that it should abrade a range of hills for no other purpose than to put its bed there, is a geological phenomenon worthy of all admiration. The Aroostook, too, has taken the superfluous trouble of crossing and recrossing the same range of highlands for no other cause, apparently, than to gratify the guilty and unnatural ambition of flowing along the "axis of maximum elevation."

If either of these lines be taken to be the true one, the consequence is that the north-west angle of Nova Scotia must be at the intersection of it, with

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the north line from the source of the St. Croix. What right has the Governor of New Brunswick then to interfere with the territory watered by the Aroostook? The British argument shows that if this land belongs to Great Britain at all, it is because it is within the limits of Canada, and utterly beyond the jurisdiction of New Brunswick; and yet, with a strange inconsistency between theory and practice, it is shown by the former to belong to one province, and by the latter to another. Those statesmen who drew up the Proclamation of 1763, no doubt, had Mitchell's map before them, because in a corner of that map it is written:—

"This map was undertaken with the approbation, and at the request, of the Lords Commissioners for Trade and Plantations, and is chiefly composed m draughts, charts, and actual surveys of different parts of His Majesty's colonies and plantations in America, great part of which have been lately taken by their Lordships' orders and transmitted to this office by the Governors of the said colonies and others.

"JOHN POWNALL, *Secretary.*

"*Plantation Office, February* 13, 1755."

A map published only eight years previously, "chiefly composed from draughts, charts, and actual surveys, taken by their Lordships' orders," and the map itself, "undertaken with the approbation, and at the request, of the Lords Commissioners," must have been used, when the new boundary line of Canada was to be designated. As the whole country was under the Crown, there was no inducement to enlarge or diminish either province, except for the convenience of trade before spoken of, or the establishment of a good natural boundary. If the reader will examine the map, beginning at the north coast of the Bay of Chaleurs, the eye will without any difficulty trace a line to the westward, around the heads of the streams which flow to the northward and southward, into the St. Lawrence and the Bay of Fundy or sea. Let him then endeavour to follow the line according to the claim of the British Government; and, although, beginning at the western side of the map, it is possible to find it for some distance eastwardly around the heads of streams which flow to the north and south, yet there must be a full stop at the St. John's River, at which the attempted line is wholly lost. A line which is described as running round the heads of streams, has no authority for crossing a large and navigable river.

As a further experiment, let the reader carry his view across the St. John's, and see if he can find any highlands between it and the south coast of the Bay of Chaleurs, where Featherstonhaugh and Mudge place the line. So far from it, there is not a single hill marked there, but, on the contrary, the paths of those rivers running transversely across the imaginary range of highlands. It is inconceivable, therefore, that the Proclamation of 1763, and Act of Parliament 1774, should have fixed the southern boundary of Canada where the British Government now claims it to be. The King would not have adopted an impracticable line. Upon Mitchell's map, it may be said to be impossible to trace any other than that contended for by the American Government, easily followed by the eye and fulfilling every requirement, except that the rivers flowing to the south empty themselves into an arm of the sea instead of the body of the sea, and upon this distinction hangs the whole British argument. The choice is between the King and Parliament's having considered the Bay of Fundy as a part of the sea, or as having very formally adopted a boundary, which an inspection of the map must have shown, could not by any possibility be traced on the surface of the earth.

The north-west angle of Nova Scotia in 1783 was, therefore, sufficiently apparent. If the Treaty had stopped there, and merely said that the boundary of the United States should begin at that north-west angle, the description would have been precise enough. But, in order to illustrate their meaning more clearly, the Commissioners proceed to a repetition of the language used (except that they say "Atlantic Ocean" instead of "sea") in the Proclamation and Act of Parliament. One leg of the angle is a line drawn "due north from the source of the St. Croix River," the same originally called for in the grant of Nova Scotia, in 1621: the other leg is a line drawn "along the highlands which divide those rivers that empty themselves into the River St. Lawrence from those which fall into the Atlantic Ocean," using the phraseology (with the exception of a single word) of the Proclamation of 1763. Of the intention to

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make these official acts of the British Government the basis of their Treaty, there seems to be no fair ground to doubt.

Applying this description to the claims of the two Governments, the result will be more apparent if the form of an interrogatory be assumed. And first of the British.

From one side of your line do the waters empty themselves into the St. Lawrence?

No; nor do they come, in some parts of the line, within one hundred miles of the St. Lawrence.

From the other side do they flow into the Atlantic Ocean?

Yes; if the bays of Sagadahock and Penobscot be the Atlantic Ocean.

If the American Government be asked the same questions, the answer to the first will be unqualifiedly in the affirmative:

Yes.

To the second question the answer would be,

Yes; if the Bay of Fundy be the Atlantic Ocean.

Of the two requirements then, the British claim wholly repudiates one, and the American claim satisfies that one. If the British claim gratifies the other, the American does also; and the argument on the British side cannot show that the American Government fails to gratify both calls, without showing at the same time that its own claim gratifies neither.

Much more might be written upon a subject which has drawn to its discussion a large contribution from the skilful statesmen of Great Britain and the United States. But it has been the object of the Committee to give a clear statement of the question, rather than a full argument upon its merits. They have consulted a large mass of materials; the correspondence between the Secretary of State and British Minister; the succinct, but lucid report of Senator Buchanan; speeches of Members of Congress; reports of Committees of the Legislatures of Maine and Massachusetts: sundry essays written by the Honourable Caleb Cushing, and some published arguments, the authors of which have not openly acknowledged them, although they are known; the report of Messrs. Featherstonhaugh and Mudge; ahd lastly, the masterly review and analysis of that report written by the venerable diplomatist and statesman, Albert Gallatin, whose knowledge upon this subject is probably more profound and extensive than that of any man living.

With regard to the course which ought to be pursued in obtaining a settlement of this controversy, the Committee do not feel themselves qualified to express an opinion. The constitution of our country has wisely placed our foreign relations in the exclusive guardianship of the Federal Government, whose dignity and power are commensurate to the duty which it has to perform. It is clear that all reasonable efforts should be exhausted to accomplish a pacific and speedy adjustment of the difficulty; and it is also clear that if they should unfortunately fail, it will become the duty of the States of the Union to rally around the Federal Government, and carry it successfully through the struggle that must then come.

The following Resolutions are submitted to the consideration of the Senate:—

Resolved, That the Legislature of Maryland entertains a perfect conviction of the justice and validity of the title of the United States and State of Maine to the full extent of all the territory in dispute between Great Britain and the United States.

Resolved, That the Legislature of Maryland looks to the Federal Government with an entire reliance upon its disposition to bring the controversy to an amicable and speedy settlement; but if these efforts should fail, the State of Maryland will cheerfully place herself in the support of the Federal Government, in what will then become its duty to itself and the State of Maine.

Resolved, That after expressing the above opinions, the State of Maryland feels that it has a right to request the State of Maine to contribute, by all the means in its power, towards an amicable settlement of the dispute upon honourable terms.

Resolved, That if the British Government would acknowledge the title of the State of Maine to the territory in dispute, and offer a fair equivalent for the passage through it of a military road, it would be a reasonable mode of adjusting the dispute, and ought to be satisfactory to the State of Maine.

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Resolved, That the Governor be and is hereby requested to transmit a copy of this Report and these Resolutions to each of the Governors of the several States, and to each of the senators and representatives in Congress from the State of Maryland.

No. 21.

Mr. Consul Grattan to Viscount Palmerston.—(Received April 17.)

Her Majesty's Consulate, Boston,
March 29, 1841.

(Extract.)

I HAVE the honour to transmit herewith a copy of the report of the Joint Special Committee of the Senate and House of Representatives of Massachusetts, in regard to the North-Eastern Boundary Question; and the resolutions which passed the House on the 11th instant, and which were concurred in by the Senate on the 12th, and approved of by the Governor on the 13th.

Inclosure in No. 21.

Report of the Joint Special Committee of the Senate and House of Representatives of Massachusetts in regard to the North-Eastern Boundary.

COMMONWEALTH OF MASSACHUSETTS.

The Joint Special Committee of the Senate and House of Representatives of the State of Massachusetts, to whom was referred the Message of His Excellency the Governor, together with certain Resolutions transmitted by him, adopted by the States of Maine and Indiana, in regard to the North-eastern Boundary, have had the same under consideration, and ask leave unanimously to submit the following

REPORT:

YOUR Committee observe, with unalloyed satisfaction, the unanimity of sentiment that prevails throughout the United States touching this dispute with Great Britain about the North-Eastern Boundary. It is pleasing to reflect, that, whatever may be the differences of opinion among us, that grow out of sectional interests or party organizations, when applied to topics of domestic origin, they do not exist on this question with a foreign nation. A striking proof of it is to be found in the Resolutions of the State of Indiana, now under consideration, covering, as they do in a preamble, other resolutions of similar import adopted by the State of Ohio, and which were directly received in a separate form by the proper authorities of this State in the course of the last year. These are are both of them States, which, by reason of their remoteness cannot, feel the same deep interest in the issue of the controversy, that is entertained by Maine or Massachusetts; yet, notwithstanding this, and solely animated by the patriotic wish to sustain the rights of their sister States, they have not hesitated to come forward of their own accord, and to pledge themselves to maintain the integrity of the country. Your Committee cannot doubt, that due honour will be awarded to those States for their proceeding. And they ardently hope and confidently trust, that the same spirit which actuated them will continue to develop itself in all other parts of our Union, until the moment arrive when we shall secure, from an altered policy in Great Britain, that justice which has been so long and so unreasonably delayed.

On the other hand, it is with regret that your Committse find themselvee compelled to accord with the opinion expressed in his Excellency's Message of

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the present condition of the controversy. The course which Great Britain has, up to this time, felt itself justified in pursuing, although, perhaps, emanating from convictions as honestly entertained as our own, is by no means calculated to accelerate the adjustment of all the difficulties in the way of a settlement, or to soften the temper in which the discussion may be hereafter conducted. If this remark is true, when applied to the whole series of movements, which take their date as far back as the Treaty of Ghent, it is still more strikingly so, when limited to the proceedings of the last two years. Should the Report of the British Commissioners of Survey, Messrs. Featherstonhaugh and Mudge, be taken as in any degree characteristic of the future intentions of Her Majesty's Ministers, it might, indeed, be regarded as indicative of a disposition unfavourable to any pacific settlement whatsoever. For, as his Excellency justly remarks, it may well fill the public mind in the United States with indignation—and that to a degree eminently unfavourable to the cultivation of the coolness and deliberation which, under any circumstances, ought ever to be adhered to in the management of great national interests.

But your Committee have not yet brought themselves to the belief, that such is the case. They see nothing, thus far, to show that the British Government either has given, or is now inclined to give, its sanction to the reasoning of that Report. They are aware of the fact, how great an obstacle to final action upon this subject has been the indifference with which it has been regarded, and the absence of a desire, on the part of those in whose hands the subject has been confided, to make use of all the evidence they have, and to judge for themselves all the arguments requisite for the comprehension of it. A discussion of geographical boundary, in a country which has hardly been explored, made unnecessarily complicate, and multiplying causes for controversy, by tracing back all the existing evidences of title to the respective lands that adjoin the Territory in dispute, is not, in itself, so attractive a matter as to lead to much surprise that few will take the pains to understand it. It is not hazarding too much to affirm, that, for this reason alone, not many good judges of its merits are to be found in England. The consequence is very unfortunate. For this indifference opens an opportunity for the better knowledge and the passions of the inhabitants of the colonies, to infuse narrow and peculiar views into the national policy. And an argumentative Report like that of the Commissioners already alluded to, one which presents an imposing array of authorities, marshalled with a sole regard to the effect that can be produced by them at home, and without respect to truth or honesty of quotation, is calculated, in the absence of industry requisite to test its solidity, to gain a degree of currency and weight which it most assuredly does not deserve. Thus it happens, that the harmony of two great countries, which should at no time think of each other with feelings other than those of kindness and good will, is endangered to the last degree by the action of individuals who overlook, in the advancement of some momentary ends of their own, the immense injury they might become the means of inflicting upon the world.

In the present state of the case, it is not for Massachusetts to falter a single instant in the course she has thus far steadily pursued. Year has passed after year without bringing any stronger hope of a settlement, yet her voice has been heard at every suitable opportunity, moderately but firmly repeating her conviction of the right. At some times reports have been drawn up, elucidating the principles involved; at others, the Legislature has embodied the sentiment of the State in the form of declaratory resolutions. In view of what has been already done, your Committee deem it superfluous at this time to go over the entire ground of controversy between the nations. For such portions of it as they design to omit, reference may be had to the papers which have emanated from the Committees of preceding years, and particularly to the able report made in the year 1838. Their object at this time will be to confine themselves to the consideration of those views taken by the British Commissioners, in their late Report, which appear to them to deserve especial notice on their part, and to expose, as far as lies in their power, the perverse interpretations and the unjustifiable conclusions in which it abounds. But, in order to do this, it will be absolutely necessary to re-state, in as brief a manner as possible, the general question.

The boundaries of the United States were defined by the Treaty with Great Britain, in the year 1783, which acknowledged our national independence.

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They were described with much care, and not until after mature deliberation, by the framers of that instrument. And the particular portion of that description which related to the distinguishing of those lines that set off the country which had succeeded in throwing off the yoke of the mother country from that which still remained under her authority was for obvious reasons a matter of the greatest possible interest to both parties. It could hardly have escaped the observation of Great Britain, that unless especial pains were devoted to the establishing, beyond the liability of mistake, the exact lines of separation between the independent States and the dependent Provinces, a door would be left open to the advancement of claims that might ultimately grow very embarrassing to her. She was even more deeply interested than the United States in preventing this, because she regarded herself as having been already a great loser in the contest. It was therefore desirable that she should not be subjected to the danger of still farther loss by any question of doubtful jurisdiction which it might at a future moment be the pleasure of some of her remaining colonists to raise as a justification for their joining their neighbours if they should so desire to do. The United States had but one danger to apprehend from an unsettled boundary. That was the danger of war with a foreign nation. But Great Britain rendered herself liable by it to a risk of insurrection in her own territories, and war with a foreign nation united. It became, therefore, a great object in the Treaty so to describe the territorial limits of the respective nations as to leave no reason for doubt in the public mind of both what they were.

There was, however, one obstacle in the way of success to this undertaking, which no effort of the parties could at the moment remove. The land through which this demarcation was to be made, had been but very imperfectly explored. It was not possible to place entire reliance upon the particular features of the country, as they were found laid down in the best maps of the period, because those maps were known not to have been drawn upon the most correct principles of survey, but to have been based upon partial examination, sufficient, perhaps, to furnish a correct impression of its general configuration, but not sufficient to justify the negotiators in striking out any novel delineation of boundary. Under these circumstances, it is plain, that no safer course was left than to adhere, as far as practicable, to those descriptions which had been made of the limits, upon preceding occasions, by the British Government itself, and to supply, with still more express and definite language than had before been used, the defects and incompleteness by which they were characterized. In all the action relating to this subject, it is clear, from the result, that two objects were in the minds of the negotiators. The first of these was, to seize upon such marked geographical features of the country as could not be mistaken; the second, to connect them together by so close a chain of description, as that they could never be confounded or transposed. How well they succeeded in attaining those objects, in so far as relates to the North-Eastern Boundary, may be understood at once by reference to the terms of the Treaty. They are as follows :—

"Article II.—And that all disputes which might arise in future on the subject of the boundaries of the said United States may be prevented, it is hereby agreed and declared that the following are, and shall be, their boundaries, viz. —from the north-west angle of Nova Scotia, viz., that angle which is formed by a line drawn due north from the source of St. Croix River to the Highlands, along the said Highland which divide those rivers that empty themselves into the River St. Lawrence from those which fall into the Atlantic Ocean, to the north-westernmost head of Connecticut River; * * East, by a line to be drawn along the middle of the River St. Croix, from its mouth in the Bay of Fundy to its source, and from its source directly north to the aforesaid Highlands, which divide the rivers that fall into the Atlantic Ocean from those which fall into the River St. Lawrence."

Now, it is believed, that there cannot be found in language anything much more simple than this description. Here are two lines and an angle. One of these lines is an arbitrary north and south line, depending upon no geography whatsoever, excepting for its starting point, which is the source of a river. The other line, and the angle made by the intersection of the two, were placed upon the natural division of Highlands that retained the St. Lawrence in its bed on

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the one side, and sent down the supplies of water for the rivers upon the Atlantic on the other. Where these highlands were, it was not absolutely essential for the framers of the Treaty to specify, nor is it likely that they themselves exactly knew. But they knew that water, if on a level, would not flow; they knew that water in this region, which they were describing, did flow both towards the St. Lawrence and towards the Atlantic, and that was enough for them to be certain of the existence of rising ground, which made it flow in these opposite directions. If there were no such ground, why could not the St. Lawrence break through its southern bank in a period of inundation, and find its way into the St. John and the Bay of Fundy? or why could not the Atlantic streams, in their turn, retrace their course and fall into the St. Lawrence? The only obstacle to this was the barrier created by the hand of nature; and it was upon this barrier, far more immoveable than any device that man can frame, the negotiators of the Treaty drew the line of separation between the countries.

Notwithstanding all this, the British Government has undertaken to resist this plain construction of the Treaty. It has assumed the privilege of explaining away every part of this description, excepting the north line, and even that the Commissioners of the late survey have also done. And, in the course of this proceeding, it has multiplied objections and heaped up difficulties, in a manner calculated rather to confuse than to convince the mind of the best disposed inquirer after truth. Your Committee are inclined to believe, that the American Government has, in its over-earnest desire to refute every argument advanced on the other side, even such as are on their face preposterous, contributed something to the same resulf. The consequence is, that the question is needlessly complicate, and a justification follows for delay and doubt, which works practically in favour of the British position. In elaborate controversies between nations, this evil is, perhaps, inevitable; for a case may not be deemed to be fully made out, unless a satisfactory reply is made to every possible objection that ingenuity can devise. But the effect is, to strengthen the feeble side by wearying the patience, and confusing the judgment, of those most inclined to do it justice.

Your Committee would then be understood to plant themselves upon the words of the Treaty, as the only definite and certain ground. They would not, for a moment, admit the supposition, that these are susceptible of the smallest misconstruction, or contain the least ambiguity. Where rivers are mentioned, a doubt might properly arise, as to which of the branches they divided into are be considered the sources intended. But, in the present case, that doubt, as it respects the St. Croix, has been dispelled, and nothing remains but to find the desired lines and the angle. Can it be credited, that the British Government have undertaken heretofore to declare, that they can nowhere be found? The position is, that there is no such angle, and no line as is described, and, hence, there can be no performance of the terms of the Treaty.

But your Committee propose to confine themselves to the arguments of the British Commissioners of Survey. They now maintain the opposite of what has been heretofore advanced by their Government. They affirm, that the terms of the Treaty may be complied with, provided only that those terms are construed in the following novel and original manner:—

"1. 'A line from the source of the St. Croix, directly north,' means north-west.

"2. 'The Highlands, which divide the rivers that fall into the Atlantic Ocean from those which fall into the River St. Lawrence,' means 'the axis of maximum elevation,' ranging at a distance of more than 100 miles from the last-named streams, and dividing no rivers of any kind, unless it is the tributaries of the Penobscot from those of the St. John, neither of which rivers fall into the St. Lawrence.

"3. 'The north-west angle of Nova-Scotia,' means no angle at all."

And, in order that they may establish such extraordinary propositions, they go into an historical review of the ancient titles, and argue upon them as if there were no Treaty in the way to overrule their authority; and conclude, by offering a line upon their map, which can as little be made to correspond with their own most sophistical argument as with the plain and straightforward requisitions of the Treaty.

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The law of nations, as applied to the mode of reading treaties, is little more than the law of common sense, as daily applied in ordinary life to all language whatsoever. It is, that, when the meaning is obvious, and leads to nothing absurd, there is no justification to go beyond it in quest of conjectures, that may restrain, or elude, or extinguish it. Your Committee cannot admit the right of Great Britain, or the propriety of going into the evidence of ancient records, in order to prove that the Treaty of 1783 was intended to signify directly the reverse of what appears on its face. They would never admit any authorities whatsoever, excepting as subordinate to the great end which all parties ought equally to have at heart, of explaining more fully, or confirming, the intent which its framers must have had in using the language which they did use. This limit falls very far short of any attempt utterly to deny its natural signification. There may be, and doubtless are, some variations from former deeds and papers; but, in all these cases, it is far more natural and just to suppose that the negotiators on the respective sides designedly adopted them, than that they did not understand the force of the language they were using, or the nature of the change they were making, and more than all, that they meant to say the direct opposite to what they did say.

Yet to such an extent as is here described does the reasoning of Her Majesty's Commissioners of Survey in substance go. It would appear from the beginning of their Report, that, not content with performing the specific duty assigned to them of an exploration of the territory, they have engaged in a work of supererogation called "A Review of the Documentary and other Evidence bearing on the Question of Boundary." It is this review to which your Committee now propose to direct their particular attention,—a review which, however great may be the authority which it will acquire in Her Majesty's dominions, they feel constrained to declare, not only does not weaken in the slightest degree the confidence they feel in the perfect soundness of the American position, but, on the contrary, does something incidentally to establish it more firmly than ever. The reasons for this assertion will be fully explained in the sequel.

On the 9th of July, 1839, Messrs. Featherstonhaugh and Mudge received written instructions from Lord Palmerston to repair to Her Majesty's Province of New Brunswick for the purpose, as it is stated in the Report, "of making investigations respecting the nature and configuration of the territory in dispute, and to report which of the three following lines presents the best defined continuity of Highland range:—

"First. The line claimed by the British Commissioners, from the source of the Chaudière to Mars' Hill.

"Secondly. The line from the source of the Chaudière to the point at which a line drawn from that source to the western extremity of the Bay of Chaleurs, intercepts the due north line.

"Thirdly. The line claimed by the Americans, from the source of the Chaudière to the point at which they make the due north line end."

In obedience to these instructions, the gentlemen proceeded immediately to their work, the result of which was a Report, dated on the 16th of April, 1840. If your Committee deduct from the period of nine months, embraced between the dates of the instructions and of the Report, the time it must have required for them to get from Great Britain to the scene of their investigations, and also the entire season of winter, during which, in that cold climate, surveying operations are not practicable, scarcely three months are left in which the survey could have been carried on,—a length of time by no means sufficient for the full examination of three several lines, extending as they do over so great a surface of territory. It does not appear from the Report and the accompanying Map, that the Commissioners did examine with care more thon one of those lines, and that is the one which they affirm to be in accordance with the 2nd Article of the Treaty. For their delinquency in respect to the other two, they endeavour to atone by an argument respecting the evidence of ancient boundaries, to make which does not seem to have been one of the duties enjoined upon them in their instructions. The effect of this course upon the Report has been, that whilst thirty-five of its folio pages have been devoted to a purpose which they were not called upon to fulfil, only thirteen pages and an appendix were devoted to the supply of the information required. So that it has been justly remarked of the production, that what was called the Appendix, should properly have made the

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body of the Report, and two-thirds of what was styled the Report, should have been put, if anywhere, into the Appendix.

It is with great regret that your Committee feel themselves compelled to declare, that this review of the documentary evidence is utterly wanting in every quality which should recommend it to the confidence of the British Government. It is by no means certain that Her Majesty's Ministers have, thus far, given to it their santion. Neither will they, as your Committee firmly believe, if they ever gain the means of thoroughly understanding its nature. They would then feel at once that a cause is injured by the resort to disingenuous arts in order to sustain it—and that it would be more creditable to abandon it altogether, if it can be supported by no other means, than to succeed by the use of them.

The review begins with a historical notice of the settlement of Acadia, Nova Scotia, or New Brunswick, as the territory adjoining the State of Maine has been successively called. The first European grant of it on record, was made by Henry IV. of France, in 1603, to the Sieur de Monts. This was a grant of a country called "Acadie," and described as being between the fortieth and forty-sixth parallels of north latitude, in North America. It was made in the loose and indefinite manner at that time customary among the sovereigns of the old world, who appear to have carved out kingdoms by parallels of latitude upon the American continent, with as much indifference as they performed the commonest act of life. De Monts made but a single attempt to settle upon the northern portion of this granted land, and finding it not to his mind, he removed to Port Royal, on the peninsula now called Nova Scotia, to the south of his former position. It does not appear that he, or any one under him, ever attempted again to avail himself of the grant of this northern territory. Neither does it appear as if so loose a description as is given of it could be of much effect upon the discussion of the terms of the Treaty of 1783; yet, strange to say, it appears to constitute one of the strong points of the British Commissioners. It happens that the forty-sixth parallel of latitude, being the northern limit of the grant, corresponds in part with that "axis of maximum elevation," as they describe it, which they insist upon as the line of boundary marked out in the Treaty. This is quite enough for them to base upon it an assertion that the jurisdiotion of French Acadia did not extend beyond this line, and all to the north of it made part of the Province of Quebec.

Now your Committee admit, that the northerly limit of the grant to De Monts was declared to be the forty-sixth parallel, but inasmuch as no settlement was made in the territory thus bounded, they do not exactly nnderstand how any jurisdiction could have been either exercised or limited. The present attempt to give to a grant, worded in the most general manner, the force of a specific demarcation, appears to them to be idle; and the endeavour to place under the jurisdiction of Quebec, what was not at the time under any definite authority whatsoever, is quite of a piece with it. But, in addition to the general argument against this grant as a specific definition of boundary, there is a particular one drawn from another portion of the deed itself—for authority was therein conferred, not merely within the limits specified, but to extend settlements in the neighbourhood of them as far as possible. The words of the original are as follows:—

"Surtout, peupler, cultiver et faire habités les dites terres, le plus promptement, soigneusement ex dextrement, que le temps, les lieux, et commodités le pourront permettre, en faire ou faire faire à cette fin la découverte et recognoissans en l'étendue de côtes maritimes et autres contrées de la terre ferme, que vous ordonnerez et prescrirez en l'espace susdit du quarantième degré jusqu'au quarante-sixième, ou autrement, tant et si avant qu'il se pourra, le long des dites côtes et en la terre ferme," &c.

Which your Committee would render by the following words:—

"Moreover, to people, to cultivate and cause to be settled the said lands, as quickly, carefully, and dexterously, as the time, the places, and convenience will allow; to make, or cause to be made, to this end, any discovery and examination in the extent of maritime coast, and of other countries on the main land, which you shall order and prescribe within the aforementioned space, extending from the fortieth to the forty-sixth degree, or otherwise as much and

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as far forward as possible in the length of the said coasts, and into the main land."

It is believed, that De Monts had a trading station at Quebec, but whether under this general grant, or under a special one subsequent to it of far less extent and authority, your Committee will not now decide. It is enough for the present purpose to show, by its very terms, which are in no way noticed or alluded to by Her Majesty's Commissioners, that this grant was obviously intended to carry no such specific limitation of boundaries as they insist upon, but to confer a general power to make settlements in a direction corresponding to certain parallels of latitude in North America.

Yet, in order to fortify this argument, by which it is attempted to bring the northern limit of Nova Scotia or Acadie, so conveniently down to "the axis of maximum elevation," which figures in the Report and upon the map as the true boundary line, one old French grant of a fief on the north of this line made by the Governor of Quebec is adduced in proof that the jurisdiction of that Government extended to this line. There is no doubt that the Governor, holding the joint authority over Canada and Acadia, did, in the years 1683 and 1684, grant some such fiefs in the territory near Lake Temisquata, and the upper part of the St. John's. And it is a little remarkable, that Her Majesty's Commissioners, who had several to select from, should have selected one in which no mention at all is made of the power over Acadia vested in the Governor, and should have noticed that fact nowhere else themselves. Neither did they notice the fact that such grants generally appear in the same instrument with other grants of more consequence, decidedly within the limits of the Province of Quebec, and are, therefore, very naturally placed upon its records.

But your Committee would not be understood as attaching the slightest importance to this evidence. They have gone into it only to show that even in such trifling particulars, Her Majesty's Commissioners have not thought it beneath them to be guilty of partial suppressions. The real truth is, that there was nothing like a settled jurisdiction over any of the territories now in question during the seventeenth century; and this your Committee understand the Report to admit (p. 12). For it expressly states, that, what with English and French occupation, according to the fortune of war, and what with the confusion occasioned by French grants overlapping one another, the jurisdiction was fluctuating and wholly irregular. Indeed, how could it have been otherwise? And yet the British Commissioners, with the aid of a grossly imperfect map, which they have dragged out of the dust of the British Museum, have the assurance to pretend, that, "the Government of Quebec, when possessed by France, had jurisdiction (by that evidently intending a settled authority) as far south as the forty-sixth parallel." A most unjustifiable inference from such partial premises.

But now comes the grand discovery of the Report. This relates to the first English grant of Acadia made by James the First to Sir William Alexander in 1621, and is expressed in the following terms:—

"It will be seen from this examination that reasonable grounds exist for supposing, that a singular perversion of the terms usee in the description of that boundary has long existed, and that the line of boundary intended by the grant of Nova Scotia, is so much at variance with that which has usually appeared on the greater number of maps, as entirely to change the nature of the Northern Boundary of the United States, from that which has hitherto been understood to be its direction."

And this great change, which is at one blow to put an end to the American claim, is to be effected by the simple means of putting a comma into an old parchment, where no comma was before. But, in order to explain this, reference must be had to the original, which contains the following description of boundary:—

"Omnes et singulas terras continentis, ac insulas situatas et jacentes in Americâ intra caput seu promontorium communiter Cap de Sable appellat. Jacen. prope latitudinem quadraginta trium graduum aut eo circa ab equinoctiali lineâ versus septentrionem, a quo promontorio versus littus maris tenden ad

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occidentem ad stationem Sanctæ Mariæ navium vulgo Sanct mareis Bey. Et deinceps, versus septentrionem per directam lineam introitum sive ostium magnæ illius stationis navium trajicien. quæ excurrit in terræ orientialem plagam inter regiones Suriquorum et Etcheminorum vulgo Suriquois et Etchemines ad fluvium vulgo nomine Sanctæ Crucis appellat. Et ad scaturiginem remotissimam sive fontem ex occidentali parte ejusdem qui se primum predicto fluvio immiscet. Unde per imaginiariam directam lineam quæ pergere per terram seu currere versus septentrionem concipietur ad proximam navium stationem, fluvium vel scaturiginem in magno fluvio de Canada se exonerantem. Et ab eo pergendo versus orientem per maris oris littorales ejusdem fluvii de Canada ad fluvium, stationem navium, portum aut littus communiter nomine de Gathepe vel Gaspee notum et appellatum."

Which Her Majesty's Commissioners desire to translate thus:

"All and each of the lands of the continent, and the islands situated and lying in America within the headland or promontory, commonly called Cape Sable, lying near the forty-third degree of latitude from the equinoctial line or thereabouts. From which promontory stretching westwardly, towards the north, by the sea-shore, to the naval station of St. Mary, commonly called St. Mary's Bay. From thence, passing towards the north by a straight line, the entrance or mouth of that great naval station, which penetrates the interior of the eastern shore betwixt the countries of the Souriquois and the Etchemines, to the river commonly called the St. Croix. And to the most remote source or spring of the same on the western side, which first mingles itself with the aforesaid river. From whence, by an imaginary straight line, which may be supposed to advance into the country, or to run towards the north to the nearest naval station, river, or spring, discharging itself into the great river of Canada. And from thence advancing towards the east by the Gulf shores of the said river of Canada, to the river, naval station, port, or shore, commonly known or called by the name of Gathepe or Gaspê."

Her Majesty's Commissioners of Survey, being well versed in Latin, maintain that a comma should be put before the words "versus septentrionem," and not after it, although it appeers after it in their own Report. The effect of this little transposition is really wonderful. It is neither more nor less than to make the words which now stand in the translation, "towards the north," signify "more west than north." And this being once established, the consequence seems to be, according to them, that the words in the Treaty "due north," and "directly north," must have been intended to mean about north-west.

Now your Committee do not deem it necessary to go into any critical examination of the rendering of this old Latin charter. It is enough for them to know, that under this grant, such as it is, the line has always been laid down in the English maps, and as they think justly, as a due north line, and that all the deeds and commissions of the British Government upon record, define it as such. And against this uniform construction of the grant, it is not for Her Majesty's Commissioners to come in at this late hour, with a nice question of punctuation, and attempt to overthrow the unequivocal language of a treaty solemnly made between two independenl nations.

But the gentlemen, not content with raising a doubt upon the construction of this instrument to fortify their case against the American claims, have actually gone so far as to insinuate that the Government of the United States* has knowingly sanctioned mistranslations of particular passages of the said instrument, for the sake of counteracting the force of the natural meaning. This is a serious charge, and should have been well considered before it was given to the world. If true, it ought to constitute, in the minds of all honourable men, a strong argument against our claim, that it should have been thought to need support from so miserable and so gross a device. But if, on the other hand, it has no foundation whatsoever, and was made with the knowledge that it had none, what must be thought of the spirit of justice and impartiality of those who advance it? Your Committee hope to establish, beyond the possibility of contradiction, the fact not only that the charge is not true, but that it must have been known not to be so by the Commissioners when they made it.

* [Not the Government of the United States.]

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The translation from which they have thought proper to select two errors for animadversion, was one inserted to an Appendix to a Report made upon the subject of the Boundary by a Committee of the Legislature of Maine, in the year 1828. This Report and Appendix were reprinted by order of the Senate of the United States, and again printed, together with many documents connected with the Boundary, by order of the House of Representatives of the Union for the information of those bodies. Hence it is that this translation is called by the Commissioners an official one. The errors contained in it, if they deserve so serious a name, are only two. The Commissioners complain that "versus septentrionem" is rendered "to the north," instead of "towards the north," and that the words "proximam navium stationem" is rendered by "first bay," and not by "nearest road," neither of which is a greater variation from the sense than their own translation of the words "per maris oras littorales" "by the gulf shores," instead of "sea shores," and neither of which deserved to bring on an attack upon the integrity and good faith of the American Government.

But had the errors discovered in this paper been ten times greater than they are, the Government of the United States never should have been made accountable for it by persons who had under their own eye the translation of it, for which it had assumed a direct responsibility before the King of Holland. In that translation the words complained of are rendered exactly as the Commissioners desire them. That they had no knowledge of it is impossible to believe, inasmuch as they quote from the American statement, in which it is contained, a passage which is found upon the very next leaf to the one in which it is inserted. And even without this accidental proof, it could not for a moment be supposed, that persons who designed to present an elaborate review of the American pretensions, as they are called, would not make themselves perfectly familiar with the only volume extant, in which they are set forth at large under the sanction of the Government. What then, your Committee repeat, must be thought of the intentions of individuals who, with the knowledge of all the facts in the case, set their hands to a deliberate perversion of them, merely for the sake of casting a slur upon the honour of a foreign country with which they are in dispute?

The grant to Sir William Alexander is important, as elucidating the origin of the description of the Boundary, as it now stands in the Treaty, but not for any other reason. Your Committee are clearly of opinion, that it does describe the line from the head waters of the St. Croix, as a due north line, and that this construction uniformly put upon it, from the earliest date down to this day, is the natural and just one. It will be perceived, however, by reference to the words, that the territory granted extended on the north to the shores of the St. Lawrence, which is a variation from the present Boundary of Nova Scotia. How that variation was made will be seen in the sequel. For at this time it appears expedient to follow the British Commissioners into that field where they have exhibited their disingenuous policy most strikingly, that is, in the discussion of the Massachusetts title on the west side of the disputed Boundary, now making part of the State of Maine.

On the 12th of March, 1663, Charles II. made a grant to his brother, the Duke of York, of a territory thus described:—

"All that part of the main land of England, beginning at a certain place called or known by the name of St. Croix, adjoining to New Scotland in America, and from thence extending along the sea coast, unto a certain place called Pemaquin or Pemaquid, and so up the river thereof to the furthest head of the same as it tendeth northward, and extending from thence to the river of Kennebec, and so up, by the shortest course to the river of Canada northwards."

This is the country which was formerly known under the name of Sagadahoc, and there had always been some question as to the title, between the French, who claimed it as part of Acadia, and the English. Yet, after the Treaty of Breda, in 1667, when Acadia was restored to France by Great Britain, which had taken possession of it during the war, the Duke of York obtained a confirmation of his grant in 1674. And it remained under his authority until, by his accession to the throne, it became vested again in the Crown. Hence it is evident, that it was not then considered as a part of the restored territory.

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Your Committee have now reached what they regard to be the most disingenuous suppression of the Report. The new charter of Massachusetts, granted by William and Mary, in 1691, was made to include the Province of Maine, this territory of Sagadahoc, and Nova Scotia itself, as follow:—

"The colony of the Massachusetts Bay and colony of New Plymouth, the Province of Maine, the territory called Acadia or Nova Scotia, and all that tract of land lying between the said territories of Nova Scotia and the said Province of Maine."

These words are truly quoted by the Commissioners. Then follow in their Report the terms of the grant to the Duke of York, (already quoted by your Committee,) in order to explain what is referred to as "that tract of land," &c. Immediately afterwards is inserted one of the reservations of the charter.

"Provided, alwaise, that the said lands, islelands, or any premises by thê said letters patent, intended or meant to be granted, were not then actually possessed or inhabited by any other Christian prince or state."

Three pages forward (p. 18) another reservation is quoted, as follows:—

"By the charter of 1691, Massachusetts was forbid to issue grants in the Sagahadoc territory; it declared them not to be
'Of any force, validity or effect, until we, our heirs and successors, shall have signified our or their approbation of the same.'"

Now it appeared singular, to say the least of it, that by the peculiar arrangement of these paragraphs, the general phrase of "the Sagadahoc territory" should have been made to refer back to the old grant of the Duke of York, with which the present charter had no sort of connexion, and the terms of that charter itself, which very exactly describe the territory to which the clause of limitation was to apply, were wholly overlooked. But your Committee had no cause for surprise when they perceived what those terms were. The provision of the charter so disingenuously quoted, runs thus:—

"That no grant or grants of any lands, *lying or extending from the river of Sagahadoc to the Gulf of St. Lawrence and Canada rivers, and to the main sea northward and westward*, to be made or passed by the Governor or General Assembly of our said province, be of any force," &c.

Very unfortunately for the Commissioners, these words marked in italic letters cut off their argument, that Nova Scotia extended, by a north-west line, to the Chaudière River, and hence, that the subsequent cession of that territory, by Great Britain, back to France, in 1697, shut out Massachusetts from the St. Lawrence; hence they determined to suppress them without ceremony, and by this mode of proceeding, and by this alone, have they been able to place in their recapitulation the following proposition:—

"VII. It is shown that the charter of William and Mary, of 1691, does not extend the grant of the Sagadahoc country to the St. Lawrence, but only grants the lands 'between the said country or territory of Nova Scotia and the said river of Sagadahoc, or any part thereof;' so that the extreme interpretation of this grant would require, for the northern limit, a line passing between the head water of the St. Croix River and the source of the Sagahadoc or Kennebec River, which would nearly coincide with a line passing between the western waters of the St. Croix and the Highlands which divide the Kennebec from the Chaudière."

Upon similar principles of quotation to those here used, it would be perfectly easy to show almost any proposition to be drawn from almost any book.

But this is not all. It is well known that Nova Scotia was restored to France in 1697, as already stated, and was, therefore, separated from Massachusetts. But in order to prove that her title to Sagahadoc also was shaken by

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act, the British Commissioners quote an admission, as they call it, made in the official American statement, drawn up for the arbitration of the King of Holland. The true passage reads as follows:—

"Great Britain, however, agreed by the Treaty of Ryswick of the 20th September, 1697, to restore to France 'all countries, islands, forts, and colonies, wheresoever situated, which the French did possess before the declaration of war.' Acadia or Nova Scotia being clearly embraced by those expressions, and being thus severed from the British dominions, the clause of the Massachusetts charter, which annexed that territory to Massachusetts, was virtually repealed, and became a nullity. The understanding of the British Government of the extent of that restitution, will be found in the following sentence of a letter from the Lords of the Board of Trade, dated 30th October, 1700, to the Earl of Bellamont, the Governor of Massachusetts, viz.: '*as to the boundaries, we have always insisted, and shall insist upon the English right as far as the River St. Croix.*' "

This extract is quoted in the Report as an admission, only because the very significant sentence in italic letters is utterly omitted. A sentence which precludes at once all question respecting the opinion of the grantor of the charter, of the extent of the cession. And it is against that grantor alone that the United States have at this time their right to defend. Your Committee must be allowed here to express the opinion that a cause must be believed to be weak indeed which is found to need support of this kind. It can scarcely be thought that Her Majesty's Commissioners who drew up this Report could have had much confidence in the natural strength of the position of Great Britain, when they strive so sedulously to keep out of view every trace of authority that bears against it.

Your Committee do not deem it expedient to go into the history of the transitions from British to French authority, and back again, which the country called Acadia underwent, for the simple reason that, however strongly they might furnish arguments upon questions when agitated between the British and the French Government, they can have but a secondary and trifling application to those between Great Britain and the United States. But they would be understood as protesting against the right of the first of these Powers to vary its tone according to no principle, but simply as its interest may dictate. It is not fair for the same Government to insist in 1700 upon claiming against France the territory as far east as the St. Croix, when it held jurisdiction only on the west side of that river, and to insist that the moment its position is changed, and it stands to the United States in the very position that France held relatively to itself, the old claim of France to go to the Penobscot which it once strenuously resisted should inure to its present benefit.

The Treaty of Paris signed on the 10th of February, 1763, to which Great Britain, France, and Spain were the parties, secured to the first-named final and undisputed authority over all the territories in the vicinity of the land now in question. Canada and Nova Scotia fell into the same hands which controlled Massachusetts and the other North American colonies. Of consequence the duty devolved upon the British Government of organizing the possessions newly acquired in some definite shape under its authority, and of defining the limits between them and such as it formerly held. That duty was performed by a proclamation issued under the King's name on the 7th of October of this year. And in that proclamation the new Government of Quebec was declared to be

"Bounded on the Labrador coast, by the River St. John*, and from thence by a line drawn from the head of that river through the Lake St. John to the south end of the Lake Nipissin, from whence the said line crossing the River St. Lawrence and the Lake Champlain, in forty-five degrees of north latitude, passing along the High Lands which divide the rivers that empty themselves into the said River St. Lawrence from those which fall into the sea, and also along the north coast of the Bay des Chaleurs and the coast of the Gulf of St. Lawrence to Cape Rosières," &c.

Now that part of the description thus made, which relates to the line sepa-

* This is another and a different River from the St. John that flows into the Bay of Fundy.

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rating Quebec from Nova Scotia and Massachusetts, is the only one of importance to the present question. By that it will be perceived a material variation was made from all preceding deeds, by which Nova Scotia and Massachusetts, which had formerly extended to the St. Lawrence, were now shut out from it just so far as the Highlands referred to might happen to lie on the south side of its bank. And this variation is admitted by Her Majesty's Commissioners to furnish the first traces of the language used in the Treaty of 1783.

The questions immediately occur: "Was not this a deliberate change made by the British Government for some specific purpose?" And if so, "what could have been the nature of that purpose?" And very fortunately your Committee are not without a clue to the explanation of them both.

Almost at the same moment that this proclamation, defining the boundaries of Quebec in the north was dated, a Commission of Governor of Nova Scotia, the adjoining province on the south, was issued to Montague Wilmot, containing a description of its boundaries. They are as follows:—

"To the northward, our said province shall be bounded by the southern boundary of our Province of Quebec, as far as the western extremity of the Bay des Chaleurs. To the eastward by the said Bay and the Gulf of St. Lawrence, &c., &c.

"To the westward, although our said province hath anciently extended and doth of right extend as far as the River Pentagonet or Penobscot, it shall be bounded by a line drawn from Cape Sable across the entrance of the Bay of Fundy to the mouth of the River St. Croix, by the said river to its source, and by a line drawn due north from thence to the southern boundary of our colony of Quebec."

Two things are remarkable in this Commission: the first, a variation of the words from those contained in the old grant to Sir William Alexander, by the entire omission of the direction "towards the north," in describing the line from Cape Sable to the mouth of the St. Croix, and by the substitution of the words, "a line drawn due north," for "towards the north," in the last part; the second, the insertion of that saving clause by which the old French claim, that Nova Scotia extended beyond the St. Croix to the Penobscot, was kept up. It is not probable that any of this language was adopted without a reason.

But when your Committee turn from this commission to those of five successive governors who came after Mr. Wilmot, and perceive that, although the general provisions are exactly the same in all, this little saving clause, as marked in italic letters, is entirely omitted, it appears to them plain enough that this omission is an indicative of some marked design as was the original insertion. The great difficulty in the way is to know, at this remote period, the precise motive of this singular variation. And it is scarcely probable that any one could ever divined it, if it had not been for the discovery of a passage in a letter from Jaspar Mauduit, agent of Massachusetts Bay, to the Secretary of said province, dated London, 9th June, 1764, which fully explains the cause of the whole proceeding. It runs as follows:—

"Sir,—It is with pleasure that I now write to inform the General Court, that their several grants of lands to the east of Penobscot, are in a fair way of being confirmed.

"Mr. Jackson and I have sought all opportunities of bringing this business forward; but the Board of Trade has been so much engaged, that they could not before attend to it. In the course of the affair the chief things insisted on were, that the Lords, notwithstanding the opinion formerly given, are still disposed to think the right of the province doubtful as to lands between Penobscot and St. Croix, because the case was misstated to the Attorney and Solicitor-General, and that, whatever be the determination on this head, yet the Lords think that the province can claim no right to the lands on the River St. Lawrence, because the bounds of the charter are from Nova Scotia to the River Sagadahoc; so that this right cannot extend above the head of that river. *That, however*, if the province will pass an act, empowering their Agent to cede to the Crown all pretence of right or title they may claim under their charter to the lands on the River St. Lawrence, *destined by the royal proclamation to form part of the Government of Quebec;* the Crown will then waive all further dispute

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concerning lands as far as St. Croix, and from the sea-coast of the Bay of Fundy to the bounds of the Province of Quebec, reserving to itself only the right of approbation as before. Mr. Jackson and I were both of us of opinion, that the *narrow* tract of land, which lies beyond the sources of all your rivers, and is watered by those which run into the River of St. Lawrence, could not be an object of any great consequence to you, though it is *absolutely necessary* to the Crown, to preserve the continuity of the Government of Quebec, 'and that therefore it could not be for your interest to have the confirmation of those grants retarded upon that account.' "

From this very satisfactory explanation, your Committee think it may clearly be inferred,—

1. That the variation in the boundary of Quebec, so as to include the south bank of the St. Lawrence, was deemed by the British Government absolutely necessary.

2. That the great obstacle in the way of such variation consisted in the claim of the Province of Massachussetts to extend her limits to that river.

3. That in order to bring about an inclination on the part of Massachusetts to cede her claim to go to the St. Lawrence, it was deemed advisable to revive the old French title now vested in Great Britain through the acquisition of Acadia to the lands of Sagadahoc.

4. That a compromise was afterwards made, by which Great Britain, in consideration of the lands on the south side of the St. Lawrence, claimed by Massachusetts, being ceded without dispute to Quebec, agreed to waive all further question respecting the jurisdiction of Massachusetts as far east as the St. Croix.

5. That the evidence of the establishment of such a compromise consists of the Proclamation of 1763 further confirmed by the Quebec Act of 1774, on the one side, and the omission of the saving clause in the Commission of all the governors of Nova Scotia subsequent to 1763 on the other.

6. That the land thus ceded by Massachusetts was considered by the agents of the parties at the time as a narrow tract of land, and of no great consequence.

Yet directly in the face of all this, Her Majesty's Commissioners now pretend that the Proclamation of 1763 took at one grasp a territory extending more than a hundred miles on the south side of the river, and that this narrow tract of land, of no great consequence to be ceded, is an immense territory, watered by the St. John and its tributaries, larger than the present State of Massachusetts.

If the whole of these proceeding of 1763 and 1764 be considered entire, your Committee think they will show that the British Government at that time being stimulated by the recent acquisition of Quebec, did deliberately and intentionally, and with their assent, make a distinct repartition of the several provinces under their jurisdiction, so that the boundaries of each might thereafter be perfectly established, and no unsettled claims be longer agitated between them. The boundaries of Massachusetts, therefore, at the period of the Revolution, were admitted by these acts of the Government to be those described in her charter of 1691, modified only by her tacit assent to those terms of the Proclamation of 1763, which shut her out from the River St. Lawrence. The British Government is therefore estopped, by her free and unconstrained assent to those boundaries in 1783 as the same that were acknowledged by her in 1763, from ever going back into the history of ancient titles, French or English, to rake up matter with which to defend her present claim.

The British Commissioners of Survey, finding themselves somewhat embarrassed by the uniform tenor of the ancient maps of the Disputed Territory, all of which favour the American demarcation of the boundary, have, with commendable industry, turned their attention to the means of counteracting this influence. The result has been the discovery in the British Museum, of an old map, by an Italian named Coronelli, published in 1689. And as it happened that this old map marked a curved line of separation, which could be made to correspond, in a degree, with the position assumed by them, these gentlemen very gravely bring it forward as an important part of their case. It is melancholy to see the nature of the devices to which they stoop in defence of the British position. This map, such as it is, places Nova Scotia upon the west side, instead of the

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east side of the St. John's, puts the Penobscot and the Kennebec in each other's places, and is, in all other respects, as rude as can well be imagined. Yet this is the authority which is relied upon in part, to prove that due north means more west than north, and that the framers of the Treaty did not know their own meaning, when they defined the boundary as a north line.

The map of De Lisle is not worthy of any more consideration than that of Coronelli. But it may be advisable to dwell upon that of Evans for the sake of the singular blunder into which the Commissioners have fallen respecting it. They claim that the description of the southern boundary of Quebec already given from the Proclamation of 1763, was founded upon the map of Evans published in 1755. But very unluckily, the map published by Lewis Evans at that time was a map of the middle British Colonies only. It was not until 1776, or thirteen years after the proclamation, that Governor Pownall's addition to it, containing New England, and the bordering parts of Canada, saw the light. Hence it follows that the framers of the proclamation must have had some other guide to go by than this map, and that, if the public is to "find in the description of the country contained in the public documents promulgated immediately after the Peace of 1763 a mere echo of the information produced by the explorations of Governor Pownall," it is probably of a novel species of echo that the Commissioners treat, which is heard before the sound that occasions it.

The truth is, that Mitchell's Map, and Mitchell's Map only, is the important one in the whole of this controversy. And that not solely because it was a map undertaken by direction of the Lords of Trade, and derived from official papers in their office, and was, therefore, more likely to be accurate than any other map of the same date, but because there is abundant evidence on record to prove that it was the guide of the negotiators of the Treaty of 1783. It is altogether likely that this map was the guide of the British Government in drawing up the proclamation instead of that of Pownall, which has been shown to have had a much later origin. Neither is Pownall's Map itself at all deserving of comparison with it in point of accuracy or fulness. The great reason why it has been dragged into the discussion appears to be, that along the interior there appears very vaguely laid down a line called the "height of the land." And as this line, thus vague, may be made to correspond to the "axis of maximum elevation," in quest of which the Commissioners were sent, they very quietly set it down as the same. They go on to say, that this ridge was familiarly known to Governor Pownall and the British ninety years ago, notwithstanding that in another part of the same Report, they claim great credit to themselves for having just found it now, and notwithstanding that Governor Pownall himself declared, that "of the nature and course of this Highland," that is, of the Highland between the Kennebec and the Chaudière eastward, he was totally uninformed.

Your Committee will pass at once to another argument of the Commissioners, drawn from a minute inspection of the instructions given by the Congress of the Confederation to their Ministers who negotiated the Treaty on the part of the United States. It appears by them that the Congress directed them first of all to press their claim of boundary beyond the St. Croix River and quite up to to the St. John's on the east, and to take that river as the line, from its source to its mouth. This was done under the impression that the Charter of Massachusetts, given in 1691, which was the source of authority respecting the boundaries of that province, justified the pretension, But when this claim was decided utterly inadmissible by Great Britain, the American negotiators were directed to fall back upon the exact lines that could be clearly maintained by reference to the Charter, and to make the St. Croix one of those lines; and to these terms the British Ministers finally assented.

The exact use which Her Majesty's Commissioners make of these facts is this: they argue that the British refusal to make the St. John's the Boundary in the first instance is utterly inconsistent with the supposition of assent afterwards, to any such north line towards the Highlands as the Americans claim, because it implies the absurd idea that the British Ministry would have been willing to concede at last a greater and more valuable territory under a boundary, avowedly reduced, than they originally refused to yield, and the very proposition of which they declared to be utterly inadmissible. When the American negotiators, therefore, decided upon receding from the claim as far as the St. John's, they could not be supposed to intend to substitute as less inadmis-

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sible a new claim, that proves, in fact, to be still larger in extent than the rejected one.

Your Committee will admit at once that there is something very plausible in this argument. But, upon examination, they are confident it will turn out to be only plausible and not sound. In the first place, it is not true that the territory which would have been gained by making the St. John's, from its mouth to its source, the boundary line, either was, at the time of making the Treaty, or is even now regarded by the British, of less value than that claimed under the terms of that Treaty. No further proof of this can be needed than the refusal of the British Government to listen to Mr. Forsyth, when he offered, a short time since, to compromise the dispute by adopting this very same line of the St. John's as the Boundary. If such is the estimate now placed upon the land near the coast in preference to the interior, how much greater must it have been sixty years since, when wild and unexplored lands generally bore a far smaller relative value to the sea-board than now. In the next place, it does not appear that value was regarded nearly so much in the course of the negotiation as the strict proof of legal title. When convinced that they could not establish their claim to go to the St. John's, the Americans determined upon planting themselves in a position from which they could not be driven. That position was taken upon the Massachusetts' Charter of 1691, modified by the tacit assent to the Proclamation of 1763, given in the manner and for reasons already shown. That position was admitted to be sound by the British negotiators, for they, in their turn, retreated from the claims they successively presented, to go westward to the Kennebec and then to the Penobscot as the Boundary, and both Parties united upon a description of it, which had been found by examination to have prevailed before that time in the authorized public papers emanating from the British Government itself.

This is believed to be a true history of the course of the negotiation so far as it respects the Boundary Line now in question. The negotiators on neither side relied upon the first claim presented by them. But they adhered in their case, to a practice common in most transactions of the kind, as well as in disputed questions of property in private life; that is, the practice of advancing pretensions as far as they can be carried with any show of justice, in order that each party, as it approaches towards a settlement, may appear disposed to compromise by sacrificing a part of what it claims. Thus it was in the Treaty of 1783. Great Britain first claimed to go westward to the Kennebec; she then claimed to go only as far as the Penobscot. America, on her side claimed to go east to the St. John's. But when these propositions were declined on each side, the consequence was the selection of some intermediate river consistently with the preservation of all ancient rights on both parts. And thus the St. Croix and the due north line from its source, which appeared in former deeds as the boundary line to the eastward of Massachusetts, were transferred into the Second Article of the Treaty, and made the Boundary of the United States. By this result both Parties agreed then to be bound; and the only source of regret that can ever arise from this Article must be, that both Parties have not remained equally willing to abide by the plain meaning which its language conveys.

There was one point, however, which proved to be really very difficult to decide, and that was, inasmuch as the St. Croix proved to have many sources that unite to form the stream known by that name, which of these sources was to be adhered to as the true St. Croix. The question was important, not only because these branches diverged pretty widely from each other, but because the running of t he due north line would be varied according as an eastern or western branch should be selected as the source. In order that this and other similar difficulties might be removed, a Convention was made between the two Governments in 1794, in which it was provided that three Commissioners should be appointed, one by each party, and if the third could not be named by agreement between the two thus selected, one was to be chosen by lot out of two names to be proposed by them. These three persons, thus obtained, were to adjudicate the question, which was the true source of the St Croix. Now, it did so happen that in executing the terms of his agreement, an American, the late Egbert Benson, was the person added by lot to Judge Howell and Colonel Barclay, who had been appointed by their respective Governments. There followed long deliberation and much difference of opinion among the

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members of the Board thus constituted, the British Commissioner resting upon no slight array of authority on the extreme western source, called the Scoodiac, as the true St. Croix, whilst one of the Americans as resolutely maintained an eastern branch, called the Magaguadavic, to be the true St. Croix. This he did because it was so called in Mitchell's Map, which was proved to have been the guide to the negotiators in the formation of the Treaty. Upon Mr. Benson devolved the responsibility of the decision, and he decided, notwithstanding his American origin, in favour of the English claim as far as the mouth of the Scoodiac Lake. It was not until after this decision, and in consequence of a discovery that it would disturb the titles to grants made under the authority of the respective Governments on the wrong side of the proposed line, that a compromise was agreed upon by which the Cheputnaticook, or the most northerly source, was substituted for the Scoodiac. This compromise was cheerfully assented to by both parties, and a monument was afterwards erected at the source of the Cheputnaticook, from which it was perfectly well understood that the due north line was to take its course.

Your Committee have dwelt upon this, perhaps the best known portion of the history of this difficult and complicated controversy, a little more than they should, had not the decision thus given been made a pretext for a most unfounded accusation on the part of the Commissioners of Survey. It is declared by them, that this decision was so flagrantly partial and unjust to Great Britain, as hardly to deserve that she should even at this late day consent to abide by it. Such is the reward which one of the most remarkable examples upon record of impartiality, deciding against one's own country, is now to receive. There is abundant evidence to show, that Mr. Benson was regarded by the American Agent, even before the decision, as entirely and unfortunately friendly to the British claim; yet this magnanimity of his, which refused to take the slightest advantage of the decision of fortune in his favour, and which inclined to judge the whole case exclusively upon what appeared to him to be its merits, seems not merely to be unlikely to meet with either acknowledgment or reciprocation by the party benefited, but is to be converted into a positive reproach. If such is to be the fate of the most conciliatory act ever committed in the negotiations upon the subject, can it be much wondered at if all traces of such a spirit should vanish? And will it be astonishing if Americans should prefer to be sure to stand well with their own countrymen, rather than run the double risk of confidence withdrawn at home, and ingratitude from abroad?

But, in what words shall your Committee express their feelings, at the perception of a bare intimation, on the part of Her Majesty's Commissioners, that the plighted faith of the British nation should be broken for the sake of one million of acres of land? Fortunately, very fortunately, for the peace of the two great nations engaged in this controversy, their interests are intrusted to hands which would spurn with contempt so base a proposal, from whatever source it might come. But, although your Committee would never allow themselves to doubt, for an instant, the honour and perfect good faith of Her Majesty's Government, and their inviolable adherence to treaties once solemnly acknowledged and reciprocally executed, they cannot but profoundly regret, that a sentence, such as the one alluded to, should have been permitted to defile a Report printed under its eye. Not because, in their eyes, it implies a sanction to the argument intended to be conveyed. The hour that should induce them to believe in the possibility of such sanction, would be that in which the standard of St. George would betoken to them nothing but disgrace. Neither because the opinions or the reasoning of the Commissioners are likely to carry much weight with them, wherever they are known. Those who are proved to be disingenuous rarely can persuade. The only reason why your Committee regret to see the sentence alluded to in the Report is, that it is calculated to rouse passions in the United States, which they earnestly hope will be kept quieted, and that it may inspire a degree of distrust on the part of the public, in the good intentions of the British nation, which they believe to be wholly unmerited.

In the present examination of the Report of Her Majesty's Officers of Survey, your Committee are aware that it is not practicable within any reasonable limits, to follow into all its details the erroneous positions that it contains: neither is it certain that the effort to do so would be worth making, if it was. There is one branch of the subject, most particularly, which they would avoid

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to treat, because it has been, in their opinion, most improperly introduced and insisted upon in the discussion. They refer to all the argument drawn from the supposed admissions upon one side or the other, made, directly or indirectly, by official agents, who have been employed since the date of the Treaty. In the business of hunting up such evidence, the two nations are by no means on an equal footing; for, whilst it is the habit of the United States to throw open to public view all of the official correspondence carried on by their agents, that is not so immediately connected with existing negotiations as to make the publication obviously improper, a very contrary system prevails in Great Britain, of publishing nothing unless upon some urgent call. It, therefore, follows, that, whilst the latter country has the opportunity of discovering every error of inadvertence, or of haste, that may be found in letters originally written as confidential by American public agents, the United States has no such opportunity of examining the British correspondence. And, even supposing that they had, what does the information thus gained amount to? and what effect can it produce upon the true issue? The wonder is, that after all the disclosures that have taken place, so little has been found to oppose to the strong, unanimous, deep-settled, and perpetually-repeated, expressions of unbounded confidence in the soundness of the claim. In the whole history of the dispute, there is no American admission, in the most secret communication with the Government at home, of which foreign nations are not supposed to have any right of cognizance whatsoever, which can compare in force with the letter of Sir Robert Liston, upon the decision of the Commissioners in 1798, or with the proposition for a "variation" of the line of boundary, made by the British negotiators at the Treaty of Ghent. If evidence of this sort were to be relied upon, the debates in the British Parliament upon the subject of the Treaty of 1783 had, immediately after the negotiation, deserve attention, as a disclosure of the opinions prevailing in England at that time. Yet, notwithstanding all this, your Committee would omit to rest upon the ground which such admissions furnish, because they intend to rest upon the higher and only ground which ought to be assumed, and that is, the merits of the question itself. They cannot conceive that the subordinate matters connected with the good or bad management of a dispute of sixty years' standing, should be entitled to overrule, or put aside, the undoubted issue which the general position of two nations most distinctly presents.

There remains to be considered only that part of the Report which gives the result of the survey. And, although it clearly appears, from the limited time devoted to that work, as well as from the confessions of the Commissioners, that they did not thoroughly perform all of the duty they were required to perform, your Committee think they performed enough to show the important fact, that the Treaty can be literally executed. It is for this reason, they think, the Report not to be wholly without value. For, casting aside the argumentative portion, as not only worthless in itself, but too disingenuous to aid the cause it has espoused, they consider the description of the natural features of the country as going far to corroborate all the reasoning, hitherto advanced upon the American side, respecting its character. It may be deduced from the Report, that the tendency of the Highland in the country, now in question, is, as it is in the rest of North America, to run in ridges parallel to each other, in a north-easterly and south-westerly direction. It is further admitted, that there are two of these ridges; and that between the two is a basin, through which find their way the tributaries of the St. John and the Restigouche—the St. John flowing through it for some time, until it winds its way south-east into the Bay of Fundy, the other tracing its course to the Bay of Chaleurs. Now the single question that can arise, should it turn out that these are the only ridges or Highlands in the territory, is, whether either corresponds to the terms of the Treaty, so far as that it will serve for a boundary line between the two nations, and if so, which answers the purpose most precisely. It will not do to say as the Report does:—

"It will be satisfactory to us if we shall be able to satisfy your Lordship that there are reasonable grounds for thinking that the true line of boundary has been hitherto overlooked, and that, consequently, the line claimed by the State of Maine fails, upon examination, in every essential particular."

Your Committee are at a loss to see the necessary connexion between these

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two propositions. If the true line of boundary has been overlooked hitherto, that claimed by Maine fails, because it is not the true one. If, on the other hand, it fails, upon examination, in every essential particular, it must be rejected without any reference whatsoever to any other that may have been discovered. But your Committee utterly deny that the Report proves either proposition separately, or both united. The southerly of the two ridges, which is dignified with the title of "the axis of maximum elevation," and which the Commissioners maintain to be the true line, is not the true line, because it does not correspond to the boundary of the Proclamation of 1763, nor to the Second Article of the Treaty of 1783, nor entirely to the argument of the Commissioners themselves. It may be shaped off as nicely upon a map as artists can draw it, and yet will serve no useful purpose. It strikes the south coast of the Bay des Chaleurs, when the Proclamation distinctly specifies the north coast as the boundary line of Quebec. It divides no sources of rivers but those of tributaries of the Penobscot from tributaries of the St. John, neither of which flow into the St. Lawrence, so that it does not meet the requisition of the Treaty. And it ranges in so westerly a direction, as to be utterly at variance with the general tenor of the Commissioners' argument about the ancient boundary of Nova Scotia,—the least bad argument where all are bad. It is utterly inconsistent with all the deeds and commissions issued by Great Britain during the last century, and can never be sustained by any reasoning other than that last species which overlooks right in its reliance upon physical power.

There is one sentence, however, in the Report, which requires from your Committee a most cheerful acknowledgment of its truth, It is that—

"The boundary must be determined by applying the words of the Treaty to the natural features of the country itself, and not by applying those words to any map."

Now maps are only of service as they are guides to those natural features which no ingenuity can make men mistake; so far they are of great service. If this southerly range of highland is proved not to correspond with the terms of the Treaty, the next thing to do is to find whether any other highlands exist which do correspond with them. Her Majesty's Commissioners clearly admit that such other highlands do exist on the north of their proposed line, though they deny them to be continuous or regular, and hence maintain that they do not answer the requisition of the Treaty. Upon these points your Committee are ready to join issue. They deny that the Treaty requires any particular, connected, regular "axis of maximum elevation." They deny that the United States has ever pitched upon this or that mountain as any measure of the elevation required. They affirm that the only range of highland required is that which will shed water on its opposite sides, and prevent it from flowing into one mass. They affirm that what does not flow into the St. Lawrence flows in a direction different from that which does flow into that river; and that is enough to mark in characters as clear as light the Boundary of the Treaty. And whatever may be the ultimate termination of the present controversy, there will that Boundary remain until some terrible convulsion of nature overwhelm it, at once to testify to the exactness of the negotiators of the Treaty, and to the manner in which its conditions shall have been fulfilled.

Your Committee have now executed what they deemed to be their duty; although under a full sense how imperfectly they have succeeded in exposing, as they deserved to be exposed, the manifold and wilful errors of the Report. They trust that the American officers who have had charge of the execution of a survey, on the part of the United States, during the past season, will, before long, present results, not only of a different character from those furnished by their predecessors from Great Britain, but in a manner strikingly to contrast with theirs. For if they cannot, if the cause of the Union and of the State of Maine is not strong enough in itself to dispense with all such intrinsic aid as dishonest artifice can afford it, better were it for both at once to cede the whole Disputed Territory to their opponent, than by a successful resort to it, to pollute one single page of their record with such a proof of disgraceful victory.

The Committee have not deemed it proper to include within this Report any reference to negotiations now pending, respecting the proposal of a joint Commission, of the probable result of which they are not informed. They would

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now, therefore close, by respectfully recommending the adoption of the accompanying resolutions.

By order of the Committee,

CHARLES FRANCIS ADAMS.

COMMONWEALTH OF MASSACHUSETTS, 1841.

Resolves concerning the North-Eastern Boundary.

Resolved, That the right of the United State, and of the State of Maine, to to require of Great Britain the literal and immediate execution of the terms of the Second Article of the Treaty of 1783, so far as they relate to the boundary from the source of the St. Croix River to the north-westernmost head of Connecticut River, remains, after the lapse of more than half a century, unimpaired by the passage of time, or by the interposition of multiplied objections.

Resolved, That although there is no cause to apprehend any immediate collision between the two nations on account of the controversy respecting the said boundary, it is nevertheless most earnestly to be desired that a speedy and effectual termination be put to a difference, which might even, by a remote possibility, produce consequences that humanity would deplore.

Resolved, That the late Report made to the Government of Great Britain by their Commissioners of Survey, Messrs. Featherstonhaugh and Mudge, though not to be regarded as having yet received the sanction of that Government, is calculated to produce in every part of the United States where it is examined, a state of the public mind highly unfavourable to that conciliatory temper, and to that mutual confidence in the good intentions of each other, without which it is hopeless to expect a satisfactory result to controversies between nations.

Resolved, That the interest and the honour of Massachusetts alike demand a perseverance, not the less determined because it is temperate, in maintaining the rights of Maine. And that we now cheerfully repeat our often-recorded response to her demand, that the justice which has been so long withheld should be speedily done to her; and that, whilst we extend to her our sympathy for her past wrongs, we again assure her of our unshaken resolution to sustain the territorial rights of the Union.

Resolved, That his Excellency the Governor be requested to transmit a copy of these resolves, and the accompanying Report, to the Executive of the United States, and of the several States; and to each of the Senators and Members of the House of Representatives from Massachusetts in the Congress of the United States.

[These Resolves passed the House on the 11th of March; were concurred in by the Senate on the 12th, and were approved by the Governor on the 13th of March, 1841.]

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No. 22.

Mr. Fox to Viscount Palmerston.—(Received May 3.)

My Lord, *Washington, April* 13, 1841.

I PERCEIVE by the last intelligence from England, that some misapprehension prevailed, both in Parliament and with the public, respecting certain resolutions alleged to have been passed by the State Legislature of Maine, in relation to the affairs of the Disputed Territory, and to the removal of the detachment of Her Majesty's troops now stationed there.

The fact is, as far as I can learn by the latest reports received from Maine, that no resolutions upon the above subject have yet been adopted or passed by the State Legislature. The Legislature is still sitting; two sets of resolutions have been proposed, and are still under discussion; but no decision has yet been come to. One set of resolutions, proposed in the Senate, is of the tenor reported in my despatch to your Lordship, of the 21st of February, namely, that the Executive Government of Maine shall be directed to call upon the General Government of the United States to take measures for procuring the removal of the British troops from the Lake Temiscouata, and from the Madawaska Settlements. Another set of resolutions has been subsequently introduced in the House of Representatives by a very violent and turbulent member, of the name of Delesdernier, authorizing the State Government itself to take immediate measures for the removal of the British troops. These last are the resolutions quoted in Parliament, and commented upon by the English newspapers. Neither of the above sets of resolutions had yet, according to the last accounts, received the concurrence of the two Houses of the Maine Legislature. The question upon them was still pending.

The more moderate and peaceful of the two political parties has this year a majority in the State Legislature of Maine; and I should, therefore, have no doubt of the first mentioned, and least offensive, of the two sets of resolutions prevailing, if it were not for the consideration that the "Boundary Excitement," as it is called in Maine, never fails to be strongly influenced by other and extraneous causes of agitation; and that the alarming dispute which has arisen out of the business of Mr. Mc Leod, may draw the Legislature of Maine into more violent counsels than would otherwise have been followed.

I have, &c.,
(Signed) H. S. FOX.

No. 23.

Mr. Fox to Viscount Palmerston.—(Received May 16.)

My Lord, *Washington, April* 26, 1841.

I HEREWITH inclose a printed copy of the Report of the joint Committee of the two Houses of the State Legislature of Maine upon the North-Eastern Boundary. This Report was presented by the Committee to the Legislature on the 30th of March. It reiterates the usual assertions of the claims of the State of Maine, and complains, in the same tone as heretofore, of the occupation of certain posts within the Disputed Territory by detachments of Her Majesty's troops. The Report, however, concludes with recommending the adoption of certain resolutions, which, it will be seen, only go to the extent of calling upon the General Government at Washington, to take measures for the removal of the British troops; it is not recommended that the State Government of Maine should take such measures upon its own responsibility; this distinction is clearly of great importance. I am not yet

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informed whether the resolutions, as above recommended by the Committee, have been finally adopted by the State Legislature; but I think there is little doubt that they will have been adopted.

I have, &c.,
(Signed) H. S. FOX.

Inclosure 1 in No. 23.

Report of the Joint Committee of the Senate and House of Representatives of Maine, on the North-Eastern Boundary.

THE Joint Select Committee upon the state of the North-Eastern Boundary, to whom were referred so much of the Governor's Address as relates to that subject, and also the Message from the late Governor, communicating his correspondence with the Lieutenant-Governor of New Brunswick and the President of the United States, together with certain Resolutions of the General Assembly of the State of Indiana, transmitted by the late Governor to the Legislature, at the late adjourned session, and certain Resolutions of the General Assembly of the State of Alabama, and certain Resolutions of the Legislature of Maryland just transmitted by the Governor at the present session, and also certain Resolves, originating in the House of Representatives and in Senate respectively, for repelling foreign invasion and providing for the protection of the State, and certain other Resolves from the Senate, respecting purposes of defence, have had the same under consideration, and now ask leave to submit the following Report:

When Maine assumed her place in the Union, and became an independent State, she adopted the Pole Star as her ensign. This well known point adorned her crest; and it appropriately surmounted her shield. It signified that she intended to be true to the Constitution and the country; and that she determined, more than all, to be true to herself. From that direction she has not consciously departed. To that determination she will always be faithful. She does not mean to swerve from her path. She has frequently had occasion to express her Resolves; and circumstances have arisen to test the firmness of her principles and purposes. She is now called upon to do so again; and she is obliged to meet the emergency.

We have come this year to one of those larger cycles of time, at which the State is called, by the forms of the Constitution, to fulfil some of its most vital organic functions; and among them returns the more frequent concern of attending to the grave subject of its long unsettled boundary.

The line which divided the ancient Commonwealth of Massachusetts from what once belonged to her by her original charter, east of the St. Croix, was one drawn due north. That river had been considered as the eastern boundary, ever since the Peace of Ryswick; and this line would have gone, as it was extended upon Mitchell's Map, to the St. Lawrence, if it had not been for the terms of the Treaty of 1783, which were the same, in that respect, as those of the Proclamation of 1763. Those were "the highlands that divide the rivers that empty themselves into the St. Lawrence from those that fall into the Atlantic Ocean," or Sea. That highland descriptive boundary was, at that time, perfectly well known and established, geographically, historically, and politically. Geography, history, the public records of the acts of the Crown and Parliament of Great Britain, still standing among her chronicles, all alike attest the truth and verity of the description; which, it may be observed, subsequent, and even recent, explorations of the face of nature, in that region, with the perhaps superfluous aids and lights of modern science, have only served to illustrate and confirm.

The cotemporaneous Acts of the British Crown, in 1763, establishing the Governments of Quebec and Nova Scotia, formed that abutment, then created for the first time, called the North-west Angle of Nova Scotia, which was adopted and fixed by the Treaty of 1783, as the first bound to begin at, of the United States. This point was considered so clear, in the words of the Treaty, as to prevent all dispute.

The Bay of Chaleurs and the River Restigouche, or one of its branches,

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(which are merely sources of that bay) has always been regarded as the practical line of demarcation and jurisdiction between the two contiguous Provinces of New Brunswick and Lower Canada. The north-west angle of Nova Scotia had not been definitely ascertained. Wherever a point of highland could be found upon the meridian North of St. John, properly parting waters that went into the St. Lawrence and the Atlantic, there might be ground for tracing and applying that term. Some doubt was expressed, for the first time, on the part of the British Commissioners, in the negotiations which took place previous to the Treaty of Ghent, whether that small portion of unsettled country, which interrupted the communication between Quebec and Halifax, did not already belong to Great Britain. This doubt was only raised, at a late moment, for the purpose apparently of soliciting a cession (for which an equivalent had been previously tendered and declined) of at least that portion of unoccupied territory.

Long before this time, after the Peace of 1783, there had been a settlement formed upon the banks of the River Madawaska, by some Acadian fugitives, who had been expelled from the Province of Nova Scotia, and again routed from their next place of refuge in New Brunswick, to this then sequestered spot, where they were joined by a few French Canadians, far, as they supposed, from further touble and molestation. The point respecting the source of the St. Croix was determined under the Treaty Convention of 1794, which finally provided for the surrender of all posts held after the peace. Previous to this period, before that point was determined, the Commonwealth of Massachusetts caused the survey and running of a line of a large tract of its territory, commencing from the Schoodic Lakes, and extending, upon the magnetic north, across the St. John, above its junction with the Madawaska. This was an undertaking of great arduousness, and was attended with extreme suffering to the party employed, who came near perishing in the woods. The eastern line ran about 150 miles, and went as much as fifteen miles over the north side of the St. John. The surveying party, there much exhausted, turned aside to the first highlands they found towards the west, mistaking the tributary streams of the River Madawaska and its lakes for rivers emptying into the St. Lawrence. The proceeding was begun in 1792, and the plan on which this survey is exhibited, by Park Holland, was executed as early as 1793 or 1794. The right of crossing the St. John was recognized and confirmed, after completing the Convention of 1794, respecting the St. Croix, by the British Minister residing in the United States, to whose advice the operation of it was referred, and who regarded it as a theme of congratulation, that thereby, in consequence of the arrangement which he recommended, the line would cross the St. John above the Grand Falls, where it would be less prejudicial in any respect, and more beneficial, on the whole, to the interest of Great Britain, and the integrity of her dominions. Previous to this period the Provincial Government of New Brunswick had undertaken, probably without being aware of any wrong, to make grants of confirmations to French settlers at Madawaska. But it was also at the same time necessarily and indeed actually acknowledged by the official authorities of New Brunswick, that the North-western Boundary of that province extended across the St. John, and was claimed to the Southern highland Boundary of Quebec.

Massachusetts, it is well known, continued after this period, in the undoubted exercise of her eminent domain, to extend her grants and surveys into this region, on both sides of the Aroostook, and thus into the proper valley of the St. John. This went on until the work of settlement and improvement, impeded in some measure by disadvantages of distance, and want of convenient approach and communication, was interrupted, and suspended, by the breaking out of the war in 1812. The delay to have the true line drawn between the two Governments of the United States and Great Britain was one cause among those which operated materially to retard the growth of Maine, and the prosperity of Massachusetts, in that direction. Conventional agreements, for this purpose, were negotiated between the two National Governments, by their public diplomatic agents, one in 1803, and the other in 1806. The first was rejected by the Senate, and the other by the President, on account of matters with which they were connected, having nothing to do with this subject.

From this period, and from this indefinite state of things upon that border,

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may be dated, with propriety, that usurpation which the British Provincial authorities began, progressively, to exercise in that quarter, rendered more easy and accessible to them by the avenue of the St. John, over the peaceful and unresisting population of Madawaska. For these purposes the point was more approachable by the authorities upon the side of New Brunswick, although the absurdity of such a pretension was apparent, even as between that Province and Lower Canada, and was manifested by a map of the territory published by authority of Parliament in 1827, as well as by other subsequent British maps. The privilege which was enjoyed, of a more direct communication than they were entitled to, by this route, across the corner of our territory, was one never denied, or even objected to, and drawn into controversy, until it was first challenged as a sort of acquired right, and arrogated as an absolute pretension. Its germ first developed itself in the ambiguous and circuitous forms of expression, by which the British negotiators went about to accomplish some point of this kind at Ghent.

Maine entered the Union in 1819, without any apprehension, or even suspicion, that her material rights, as an independent State, entitled to certain limits, and that her title especially to a large part of her territory, derived from the Treaty of Independence, if of no prior origin, and as released and confirmed to her, upon her separation, by Massachusetts, were called into question, or were capable of being drawn into controversy. The first census of the United States, taken after our admission into the Union, in 1820, embraced the settlement of Madawaska; and one of the first Acts passed by the Legislature of this State, in the same year, was a Resolve, earnestly calling the attention of the National Government to this subject, not then brought to a close, as it was understood, by any definite proceeding of the Commission established under the provision of the Treaty of Ghent. It was some time afterwards discovered that, by some singular oversight, or obliquity, or, if it may more properly be so deemed, mistake, on the part of those who were employed in this business on behalf of the United States, some change or transmutation of the subject was permitted to take place, and thenceforward fatally perplex all future proceedings under that Commission. The agents, on both sides, were unquestionably most respectable and accomplished persons, who devoted themselves with eminent zeal to the interests of their respective Governments, as those interests presented themselves to their minds. But it may be deemed to have been among the misfortunes attending the devious course of proceeding adopted since the Treaty of Ghent, that the agents on the part of the respective Governments were composed on one side entirely, of natives of this country who had adhered to the cause of Great Britain at the Revolution, and that no citizen of the section principally concerned, namely, of Massachusetts, was employed by the United States. The consequence of this inadvertence was, that the agents of Great Britain were permitted to stop and assume a position at Mars Hill, a solitary and isolated projection, rising to a height uncalled for by the Treaty, unaccompanied by any of the circumstances of the description, and destitute of a single feature of it—even to that solitary pre-eminence which is so entirely unlike a general highland conformation. Without inquiring how this happened, or undertaking to say what the American agents ought to have done under these circumstances, and whether they ought not to have refused to proceed, and to have protested at once against the total departure from the rule of proceeding required by the Treaty, it is not too much to say that all further labour after this was worse than lost, and thrown away. The whole of this proceeding was, thenceforward, conducted and carried on to its unfortunate termination, without any privity or knowledge on the part of Massachusetts or any of her authorities; and by a sequel, which was, hardly, perhaps, contemplated as a consequence of this solecism, (allowing the stoppage at Mars Hill,) an enormous and sudden expansion afterwards took place of what assumed the specious form, and obtained the factitious denomination of the British claim to about one-third of the territory of Maine—a tract which thereby acquired the designation, too easily allowed to pass into use, of Disputed Territory; and it is needless to say that this circumstance has since proved to be pregnant with the utmost mischief to the State, and to have been the prolific source of almost every variety of evil to its peace and prosperity. It turns out, by the recent brilliant scientific exploration of Major Graham, as was insisted at the time when the pretence

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was brought to light, that the true line from the Monument does not even touch Mars Hill, but leaves it quite to the west, upon our side, and within the limits of Maine. This false and preposterous position, indeed, has been recently treated by respectable British writers, who are still not willing to yield to the whole force of the American claim of right in all its extent, in publications of ability, as entirely untenable and destitute of pretext. Mars Hill remains, and will stand for ages, a monument of the gigantic and monstrous absurdity of this audacious assumption.

It is, no doubt, to be regretted that the Government of the United States should have found this subject in such a state, from the result of the Commission under the 5th Article of the Treaty of Ghent, as to be obliged apparently to recognise and to give colour to this extravagant claim, by the perhaps unavoidable form of the Convention negotiated at London, in 1827, for referring the question to an umpire.

It was at this moment, we may remark, that Maine suddenly saw the sword suspended, as it were, over her head; or perhaps we should more fitly say, when she beheld the scales about to be put into the hand of an arbiter, whose acknowledged bias would be, the same whether king or farmer, to split the difference. Another circumstance, not calculated to allay this concern, was the discovery of an accidental misapprehension into which one of the most prominent negotiators of the Treaty of Ghent had been led, in a private letter afterwards published, written immediately after the signature of the Treaty of Ghent, which was to the effect that Massachusetts had not the shadow of claim to any territory north of 45°, eastward of Penobscot river. It cannot be necessary to say that this momentary error has since been most satisfactorily explained and rectified. It may not be wonderful, however, that Maine, at this moment, surprised by this sudden development, of which she had been alarmed by rumours, destitute of the documentary evidence that had been made use of in relation to her title, and ignorant of the grounds upon which it had been impeached, or of the extent to which it might have been compromitted, without having been consulted, neither herself nor Massachusetts, in a single step or stage of this course of proceeding, in which her rights were so seriously involved,—it can hardly, therefore, we say, be wondered that Maine was induced to exclaim, through her Executive organ, that she had not been treated as she had endeavoured to deserve.

The assertion and announcement of this new and strange pretension was accompanied, as will be well remembered, also, by a sort of simultaneous charge from the Provincial powers of New Brunswick, along the whole line of the hitherto undisturbed American possession and population. The boundary, supposed to have been sufficiently established from the St. Croix as far as the St. John, was now broke into. This assault was made upon all persons, without discrimination, who might have thought themselves protected by the authority of Maine, or by the power of the United States, within the precincts of what now, for the first time, was practically marked out as disputed territory. Process of ejectment was served about the same time, in the fall of 1827, upon all the settlers on the Aroostook and the upper parts of the valley of the St. John, as intruders upon Crown lands; and much complaint was made at the time, not without foundation, of the terror and severity with which this sudden exercise of foreign authority was employed. At this period, too, an American citizen, who had acquired the possession of an original American settler, seated upon a grant under the authority of the two States of Massachusetts and Maine, at the confluence of the small stream before-mentioned with the St. John, having the protection of the Governor of Maine in his pocket, was seized by the Sheriff of the adjacent county of New Brunswick, and conveyed as a prisoner to Fredericton.

It is due to observe, that upon inquiry into the facts, by the Government of the United States, as well as by that of this State, the liberation of this person was required, and an indemnity was demanded in a tone and spirit worthy of the occasion; and which afterwards served as a precedent on a similar one. But it was unavailing; nor did the interference operate any alleviation to the condition of the unfortunate prisoner, nor as an abatement to the rigour of Provincial authority. Notwithstanding this reclamation, and in defiance of this demand by the Government of the United States, the proceedings went on, and the individual was tried, convicted, sentenced, and

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punished for his alleged offences against the Crown and Government of Great Britain. Baker underwent his sentence, and returned to become again the subject of similar outrage and persecution. The record of his trial and conviction was put into the case, and became a part of the evidence furnished against the United States, in the submission to the King of the Netherlands.

After this monarch had in fact ceased to be that independent Sovereign to whom the question was referred, and was obliged to rely upon the support of those Powers, among them Great Britain, which had raised him to a kingdom now reduced to one-half, and when, under these circumstances, in the room of undertaking to split the difference, he concluded to advise some agreement to that effect, and when that advice was declined to be accepted by the Government of the United States, then followed a period of some duration, over which we shall be willing to draw the mantle of oblivion. It was a period of obscuration and eclipse to the condition of this question, which may be denominated the dark day of its diplomatic management. For some considerable season the negotiations and transactions between the two Governments were shrouded in impenetrable mystery; and the shade was in some degree cast over the proceedings of our own. A plan was on foot, in the first place, for adopting the proposal of the arbiter, and making it the basis of a further compromise. This project was defeated by the refusal of Maine to enter into it blindfold. Then followed the singular suggestion of turning aside from the due north direction, and sweeping the course towards the west, for some indefinite and uncertain object, that would best answer the description, until it was made almost a matter of indifference whether the highlands in question, if any such existed, should be sought to the north or the south of the St. John; and it was finally proposed, under colour of seeking for highlands, to which both parties were agreed—that is to say, the only highlands upon which they could agree—to strike a line from the St. Croix to the western elevated region which divides the waters of the St. John, Penobscot, and Chaudière.

During this season of darkness and diplomacy the rights and interests of this State were peculiarly compromised. The Government of Maine was called upon to disavow acts of its citizens performed under its authority. Citizens of the State, within its limits, for conformity to its laws, were again seized and imprisoned in New Brunswick; and their liberation was requested of the Lieutenant-Governor as a matter of grace and favour. Our civil securities, designed by the Legislature for the temporary protection of the frontier, were dismantled, and left to desolation. Information was refused, and the inquiry into the state of the question stifled; and, to crown the apparent abandonment of our cause for a season, the care of the Disputed Territory was resigned to the charge of a Provincial Warden.

The constant cry to us during this period, was peace, when there was no peace. It is not too much to say that the powers of the Federal Government were then in abeyance to us; or only exerted to repress our vigour, and restrain our energies; and its influence was only exercised to depress and subdue the spirit and patriotism of the State, and to silence observation and complaint. This statement is not drawn forth without repugnance; but it is due to the demands of truth, and no less to those of justice to the better counsels, by which those pernicious and flagrant errors were afterwards, in a great measure, corrected and repaired. Suffice it to add, that under the influence of those counsels which prevailed in the Cabinets of Great Britain and the United States, during that season, the subject slumbered, so far as the public were concerned, for several years. An unavailing attempt to break the spell was made in 1834, in the National House of Representatives. A call afterwards made in the Senate, was more successful. This was on motion of Mr. Webster, seconded by Mr. Clay, in 1836. The sensation produced by the unexpected disclosures of the state of negotiation, then laid open to the light, served to re-animate and arouse the dormant state of public feeling and attention to the subject. Presently, after the development just mentioned, and after a variety of previous finessing and manœuvring to compass this object, the direct overture was at last made by Great Britain, through her Chargé d'Affaires in this country, to finish the business, and to actually split the difference, without more formality, by a division of the Disputed Territory between the parties upon equal terms. After much fruitless discussion for a year or two longer, entirely irrelevant to the issue, but in which however the

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necessity or fitness of recurring to the State of Maine for her assent, and for making her a party to any project for her own mutilation and dismemberment, was recognised, the negotiation arrived at a point in which, to cut the matter short, recourse was required to the expedient of consulting and ascertaining the sense of the State of Maine; that is to say, whether it would give its consent to a conventional line of boundary.

This leads to the view of the Resolves of the Legislature on this subject, at the session of 1838, upon the communication of the correspondence upon this subject, between the Governor and the Secretary of State of the United States; to which, in the progress of these remarks, the Committee look forward. As this forms an important epoch in the annals of the question, before entering upon that further field of observation, it may not be out of place for the Committee to recur, for a moment, to another topic which may be fit for reflection.

The Committee are well aware, that there were respectable opinions entertained in favour of accepting the advice, or award, such as it was, of the King of the Netherlands; and that there are still those who continue to avow their regret that it was not done. It is remarkable, and at the same time gratifying, to observe, that as this has arisen, and the more food has since been furnished for reflection, in the same proportion has the truth been gaining ground, of the right of Maine; and there has been a progressive strength of opinion in support of the justice and rightfulness of her cause; until the conviction has become so firmly established in the public mind, as to leave no alternative but to adopt its defence. To this conviction we might appeal for an apology, if one was necessary. But it is not for Maine to offer any for the course that was taken. That decision was made by the Senate of the United States; and that body for itself rejected, and refused to advise the President to accept the result of the submission. And supposing this course was in consonance with the sentiment of Maine, either as anticipated, or expressed through her proper organs, was she to be the last to feel the force of the injustice that would have been done her, or to protest against the violation of her sacred rights? A low idea may have prevailed, it is true, of the comparative value of the land in dispute, and a grave one, undoubtedly, entertained, of the consequences that might be involved in the refusal to resign it. But how is that value to be measured, and of what is a community to take counsel on a question of this kind? Its conscience of right, or its concern for the event? There is an importance in principles, as well as in consequences, not to be overlooked, and which ought not to be outweighed by ordinary, or excessive scruples. It is of sufficient justification for us that the demand against us was totally unfounded; that the domain in dispute was entirely ours. The success of the adverse scheme would have been that of stratagem and circumvention; and it was not for Maine to have been foremost to contribute to its consummation. Leaving the due responsibility of that decision wherever it rests, the prudence of the determination of Maine, it may be observed, was a question, so far as she alone was concerned, for herself. The control was in the superior wisdom and discretion of the Union; whose councils can best appreciate the utility, or importance, of the retrospection.

We will not pause to say that the sacrifice required was uncompensated to Maine by any equivalent, in frontier or otherwise, such as was, in fact, offered at Ghent; or in any other respect, except by relinquishing to the United States the useless fortifications at Rouse's Point. Some compensation of another kind, in another quarter, it is true, was afterwards suggested to Maine, concerning which, we believe there never has been but one opinion. Maine, we are sure, would never consent to barter her birth-right for any mere sordid consideration. As a question of right, moreover, we may be sensible that the subject had not the same interest to others, at that time, that it had to ourselves; nor had it been considered by Congress and the country in the light it has since been. The right we were solicited to surrender was, indeed, scarcely acknowledged to be ours. Less, as has been remarked, was thought then of the truth and justice of our cause, and of the injustice and indignity we had endured, the sense of which has since been spread, and the report thereof rung throughout the land. Whatever regret may still remain, that Maine had not submitted in silence, and without even that sympathy which might have soothed submission, there certainly has been less surprise at her

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course of conduct, since the character of her case and the history of her wrongs have come to be more perfectly understood; except, that is to say, at the extent of her patience and forbearance under the most aggravating and humiliating circumstances. No reflection has long been cast upon her fidelity, either to herself or to the Union; and every other unavailing expression of a doubtful kind has, we had trusted, long since died away.

It may here be added, that it yet remains to be seen whether the course pursued by Maine upon that, as well as on every occasion, will not prove at once more true to herself and to the Union, than has thus far been viewed as being perfectly ascertained, or she has had entire credit for.

The Committee would here be permitted to observe, that they have not thought it important, at this time, to go into any long and laboured argument, or vindication, of the right of Maine to what is termed the Territory in dispute. They hope they owe no apology for any such omission. The day for that has gone by. In their opinion, it has been argued quite too much and too long already. The matter, which was never doubtful to any unbiassed mind, demands no further exposition or elucidation in the view of the country; and by the Government and people of Great Britain our voice is unheard, or unheeded. The subject has already been discussed, with sufficient clearness and cogency, in former Reports of the Committee to the Legislature, and in a variety of familiar public documents that have been widely circulated; and a continuance of it, it is conceived, would take up all the time and room that can conveniently be assigned for the present Report, without any otherwise useful and important purpose.

It is possible, however, that some apology might be due to the state of public intelligence or expectation, whether for omitting, or for taking notice of, the result of the recent exploration and survey of the British Commissioners, and their Report, published and communicated by the authority of that Government. The Committee can only say, that they should pass it by in silence, except from the general surprise and attention which it has excited; and that they should otherwise leave it to the lot to which it had better be consigned. They are only restrained from speaking of it further according to its merits, by the respect that is due to the channel through which it comes, rather than to the source from which it proceeds; from speaking, they mean to say, as it deserves, of what might otherwise be termed its impudence, its audacity, and its mendacity; of its sophistries and evasions; of its assumptions, as well as its suppressions; of its profligate perversions, and its presumptuous and extravagant pretensions. It sets at nought and seeks to get rid, in the first place, of the settlement of the source of the St. Croix under the Treaty of 1794, no less than it does the description of the highlands in the Treaty of 1783; and it proclaims a discovery for the final solution of the whole question, by the transposition of a point in the original Latin grant of Nova Scotia to Sir William Alexander. Its falsities, moreover, are obvious and palpable. In the room of the dividing highlands described in the Treaty of 1783, it substitutes a certain new-fangled phrase, or idea, of the maximum axis of elevation, which it pursues and carries through, over hill and vale, along and across various streams, and crossing several times the same stream, viz. the Aroostook, until it reaches some undiscovered bourne, thence to be termed the North-West Angle of Nova Scotia. This newly-invented principle, or rather name, (the axis being mere matter of imagination,) is understood to mean the greatest prevailing character of elevation, in the configuration of the country, upon some broad general parallel between the River St. Lawrence and the main Atlantic, extending from the head of Connecticut River, where it is made to begin, and merging in the lower valley of the St. John, where it loses itself; or if it ever rises again on the east bank, it is to approach the south, and not touch the north, side of the Bay of Chaleurs. This scheme undertakes to show, upon the base of some modern geological theory, what were the true original highland formations intended by the Proclamation of 1763 and the Treaty of 1783, in the entire absence, at that time, it may be observed, of all such notions, and indeed of all those lights that have since been shed, by subsequent researches, upon the principles of a science then either unknown or not deemed of any practical importance. Indeed, it has been obliged to resort to the most incredible and absurd supposition to account for the absence of facts in the face of the country, necessary to sustain its pure and unsupported hypothesis.

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It is needless to mention that its strength is employed and consumed upon entirely irrelevant and subordinate, if not trivial, topics, not touching at all the main criterion of the Treaty highlands, as ranging along the heads of rivers emptying into the St. Lawrence. It gives up the only ground on which the British argument laid before the arbiter could possibly stand, to wit, that the highlands in the Treaty of 1783 were not the same as those described in the Proclamation of 1763; and it tramples down equally the positions assumed in the statements, and supported by the evidence before the umpire, and almost every pretext upon which he could base his conclusion. Perhaps its most remarkable sleight is that by which it achieves a direct line between the sources of the St. Croix and the Chaudière, by changing the due north direction to one nearly west; and it betrays a singular and striking coincidence with the diplomatic scheme before mentioned for searching from the St. Croix for highlands in which both parties should agree!

The task of entirely exposing the disingenuousness and total unworthiness of the character of this Report, in regard to all those points in which it ought chiefly to recommend itself to public confidence anywhere—one which your Committee have been loth and reluctant to undertake—has not, however, been neglected by other and abler hands, by which it has been thoroughly performed, and in which they are quite willing to leave it. Besides the various publications of distinguished individuals upon this subject, the Committee would allude, with pleasure and satisfaction, to the recent Report in regard to it to the Legislature of Massachusetts—one uniting together names the most respectable and venerable also to Maine.

The Committee feel it to be desirable, before dismissing these observations, to divest them, as far as possible, of all undue application; and, most of all, where they would be the least applicable. They feel a difficulty, however, in forbearing to remark, and to express their regret, in respect to the unfortunate commentary, which is presented by the character of this Commission and Report, upon the highly-liberal policy which has always prevailed in the United States, in regard to cherishing the merit of foreigners. And it is no less due to say, that the faithfulness with which that favour has been rewarded in one instance, is only set off in a stronger light, and more conspicuous relief, by the perfidious requital which has been made for undeserved patronage, and the illustration afforded, in an opposite and striking point of view, of mere mercenary service.

The Committee are further desirous to distinguish, and to mark the difference in their opinion, between that portion of the Report in question, which is hypothetical and argumentative, and that which relates to the particular execution of the duty assigned to the Commissioners, in regard to survey; in which respect, they are happy to say, it is presumed to be superior to any just exception.

It is no more than fit, in this respect, also, to say that the Report in question distinctly acknowledges the existence of a range of highlands extending along upon the right bank of the St. Lawrence, and fulfilling upon that side the features of the Treaty of 1783; and that it perfectly shows that the Treaty is capable of being literally executed (as it could not avoid doing) in that respect. Whether there was such a formation, along upon some parallel with the St. Lawrence at the head of the rivers that emptied into it, known and understood to exist at the time of the Proclamation of 1763, as well as of the Treaty of 1783, was not more a simple question for the eye, as viewed from the margin or from the bosom of that stream, than it was established in the geography and history of that section of country, and was exhibited in all the good maps of that age. The account of such highlands extends back to the earlier archives of Canada; and it appears in the authentic records of the seventeenth century. A graphic description of their appearance is given at that ancient day, under the reign of Louis XIV, as reaching from the vicinity of Quebec, at some distance from the shore, quite down towards the mouth of the river. Douglas's "Political History of the British Settlements in America," (of which different editions were published from 1746, about the date of the Treaty of Aix-la-Chapelle, until 1760, on the conquest of Canada,) contains a like sketch of the long range of highlands lying on the south side of the St. Lawrence, at no great distance, for several hundred miles in extent. They are represented as elevated and lofty heights

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in that direction, with short and rapid rivers or runs of water on that side of the St. Lawrence, according with the old French accounts of the same section of country; and they are recommended to public attention in that work, which was published near the eve of the Peace of 1763, in connexion with the subject of a convenient barrier or boundary for the British Provinces, in any future demarcations. The British "Annual Register" of that year, too, in its text, contained a cotemporaneous exposition of the Proclamation of 1763; and the highlands were then described, and their situation was laid down and illustrated on the accompanying map in the same volume, as they were then and afterwards understood and acknowledged until a very recent period.

A remarkably clear light is likewise thrown upon the character of this well-known highland boundary by a document that has been preserved among the provincial or state papers of Massachusetts respecting it, bearing date in the following year, 1764. A question having been started at that moment, when the Crown was looking up its lands in all directions, whether the lands lying east of the Penobscot, or between Nova Scotia and the Sagadahoc (formerly called the Sagadahoc territory), were not more properly crown lands, and therefore not for the General Court to grant, although included within the Massachusetts' charter, and therefore stretching to the St. Lawrence, it was brought before the Board of Trade, and became the subject of discussion between the Provincial Agent and the British Minister for that department. The Lords, at least, thought that the province could claim no right to the lands on the River St. Lawrence; and it was the opinion of the agent, though the original patent extended to the river of Canada northward, that it was not important to Massachusetts to preserve a portion of country which lay so remote, "and whose rivers run still further" from the old part of the province "into that of St. Lawrence;" and it was proposed, that if the province would cede all the claims they might have under their charter, "to the lands of the River St. Lawrence, destined by the Royal Proclamation to form part of the Government of Quebec," the Crown would waive all further dispute concerning the lands as far as St. Croix, and from the sea coast of the Bay of Fundy to the bounds of the Province of Quebec; and the General Court was thereupon advised to relinquish the narrow tract of land which lay beyond the sources of all their rivers, and which was watered by those that run into the River St. Lawrence," as being of little comparative consequence to the province, but "absolutely necessary to the Crown, to preserve the continuity of the Government of Quebec." This historical document shows precisely how the narrow valley of the St. Lawrence was viewed at the time, in England and America, to be marked off by the recent Proclamation of 1763, of which it is a contemporaneous explanation; and exhibits, therefore, in conspicuous relief, the situation of the naturally and necessarily separating, continuous elevation.

That such a range of highlands continued down the St. Lawrence, and branched off toward the north side of the Bay of Chaleurs, was alike recognized and represented in the acts of the Crown and Parliament from 1763 to 1774. And the known configuration of the earth in that quarter, necessarily establishes such a fact.

The Committee need not say, that the existence of such an elevated rise of land along that general direction has never been drawn in question by any cotemporary authorities, or done away by any subsequent inquiries. A topographical description of Lower Canada, by the Surveyor-General of the province, published upon the conclusion of peace in 1815, and with full knowledge of the articles in the Treaty of Ghent, delineates "the ridge rising at a certain distance, generally denominated the Land's Height, dividing the waters that fall into the St. Lawrence from those taking a direction towards the Atlantic Ocean, along whose summit is supposed to run the boundary line between the territories of Great Britain and the United States. This chain commences upon the eastern branch of the Connecticut River, takes a north-easterly course, and terminates in near Cape Rosier, in the Gulf of St. Lawrence." Now, it was upon this section of highlands trending toward the Bay of Chaleurs, or rising along to the northward of it, as discernable by the eye, or determining the water-courses described by the Acts of the Crown and Parliament, in 1763 and 1774, where the rivers should separate off in

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different directions into the St. Lawrence and into the Atlantic, wherever that should be intersected by the meridian, or due north line by celestial observation, from the St. Croix,—that the bounds of the United States, defined by the Treaty of 1783, abutted.

The Committee refer to this as the only real and proper question of a geographical kind which can arise or exist in the case; and nothing was ever necessary but to ascertain and define that true point by degrees of latitude and longitude, as was afterwards proposed to be done by the unratified Conventions before mentioned of 1803 and 1806. They have adverted to this point, and allowed themselves to look back upon this ancient and well traced line of boundary upon the horizon of former times with more freedom than there might otherwise have been occasion, in consequence of an idea, at first insinuated, and afterwards more gradually developed, and confidently insisted upon in the diplomatic papers of Great Britain, since the period of 1832, that no such range or region of highlands in truth existed, and that the Treaty of 1783 was therefore physically incapable of execution. Such a fallacious suggestion was undoubtedly, entirely in the face of all former observation and political experience in regard to the question. If there was room for anything to confirm this point, it might be found in the acknowledgment of the fact, in every form, in which it could be made at the time of the Treaty of 1783. Authentic evidence exists that the British Minister at Paris was possessed of all the "books, maps, and papers, relative to the Boundary" which were wanted, from the public offices in London; and without referring to the conclusive character and effect of Mitchell's Map, which was regularly prepared under the sanction of the Board of Trade and Plantations, and was the one immediately before the negotiators, all the maps known to have been published in England, from 1763 to 1783, nearly twenty in number, carried the course of the boundary line from the source of the River St. Croix northward, across the River St. John, and terminated at the highlands, in which the rivers that fall into the St. Lawrence take their rise. In all those maps, the north-west angle of Nova Scotia is laid down on those highlands where that north line terminates. In all, the highlands from that point to the Connecticut River divide the waters that fall into the St. Lawrence from the tributaries of the St. John, and from the other rivers that fall into the Atlantic. Several different maps published in England also between the preliminary and definitive Treaties, in November, 1782, and September, 1783, lay down the boundaries of the United States similar to those delineated in the previous maps as the boundaries of the Provinces of Quebec and Nova Scotia, and as they have ever since been claimed by the United States. All the world knows that this was pointed out and demonstrated, without any denial, in the debates in Parliament immediately upon the Treaty; that it was defended by the Ministry who had been put in to make peace upon terms which they were disposed to render favourable to us, and that the contest was determined against them upon that ground. If access could even now be had to the various depositories of the papers and correspondence passing between the British Ministry and its negotiators at the Peace of 1783, your Committee have the persuasion that a still more conclusive light might be cast, if it were possible, upon the intentions, as well as the terms, of that Treaty, so as to dispel all shadow of doubt that might rest upon that question, even in England.

It is unnecessary to repeat the deep concern and mortification with which Maine became acquainted with the state of negotiation on this subject in 1836. It was shown to have been so strangely conducted, under the long course of diplomatic management, that almost every trait of the Treaty of 1783 was effaced, and all the real and permanent features or characteristics of the question were quite altered or lost sight of. And it was finally insisted by the British Minister, forgetting the height of Mars Hill, that a due-north line from the St. Croix would strike no highlands described by the Treaty. The topic indeed was taken up, as though it was fresh, and was treated as if there had been no previous Treaty at all about it. Without making any other remark in regard to the mode in which the subject was thus managed, it is no more than proper to say, that it served as a prelude to the further project, afterwards disclosed, for unsettling the source of the St. Croix, and striking a line across the country to the head of the Chaudière. The same spirit had

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only to travel back, whether in the shape of critical acuteness or geological research, and remove the highlands described in the Proclamation of 1763 from their heights, where they sent their streams into the St. Lawrence, to that interior and formerly unknown region where they might be conceived to constitute the maximum axis of elevation: or, to go yet further, to the suppression of that portion of the old charter of Massachusetts which contemplated its "extending from the river of Sagadahoc to the Gulf of St. Lawrence and Canada Rivers," &c.; and also of the passage, as quoted in the American statement before the King of Holland, from the letter of the Royal Governor of Massachusetts to the Board of Trade, in 1700, that "as to the boundaries, we have always insisted, and shall insist, upon the English right as far as the St. Croix;" or, furthest and last of all, by vouching a stale philology in aid of a new invented and apocryphal geology, so as to change the original direction of Sir William Alexander's obsolete grant of Nova Scotia from the northward, in a straight line, towards the west, to the head of the remotest river, the Chaudière, that falls into the St. Lawrence opposite, or just above, Quebec.

From the publications like this last again alluded to, not without repugnance, it is refreshing to the testimony of a moral sense in the human breast to turn to opinions, in relation to the general subject in recent and respectable English periodical works, delivered in a tone, as well as, we doubt not, a spirit of equity, moderation, and candour. If the Committee cannot emulate, as they would wish to, they can at least acknowledge, a tone and temper like this, and they can at least hail it as an auspicious harbinger of a dawn, if not a day, that has not even yet fairly broken—oh! when will it ever burst again! —from the oriental glory of old England upon the broad, eternal ground of truth and justice!

It is trusted by the Committee, that this retrospect will not be regarded as unimportant, nor the last portion of these remarks be deemed as a digression, in view of the period which they are approaching of 1838. Previous to which, it may be mentioned, that a strong solicitude was awakened in the breasts of the people of this State, by observing the advancing progress and extent of British usurpation, and encroachment upon the Disputed Territory. One of the most extraordinary was the project for a railroad, proposed by the Legislature of New Brunswick, called the St. Andrews and Quebec Railroad Company, to which the Legislature of New Brunswick pledged its co-operation, and which was patronized by a Royal grant of 10,000*l.* A railroad of this description, it was plain, must have intersected the State of Maine quite south of the St. John; and the plan of it was to cross the line at Mars Hill. This enterprise did not escape the vigilance of the Legislature; and, although it was relinquished, the demonstration was not lost upon the public mind. The subject was taken up at the ensuing Session of the Legislature in 1837; and the Joint-Committee on the north-eastern Boundary was instructed to inquire into the expediency of providing by law for the appointment of Commissioners on the part of the State, by the consent of the Government of the United States, to survey the line between this State and the Province of New Brunswick, according to the Treaty of 1783, and to establish monuments at such places as should be fixed by such Commissioners, and by Commissioners to be appointed on the part of the Government of Great Britain. Upon the Report of that Committee a properly modified resolve was adopted by the Legislature, that the Governor should be authorized and requested to call on the President of the United States to cause the North-Eastern Boundary of the State to be explored and surveyed, and monuments erected, according to the Treaty of 1783; that the co-operation of Massachusetts should be solicited; and our Senators instructed and Representatives requested accordingly.

In consequence of this resolve, it is well remembered, an appropriation was obtained in Congress, on the motion of Mr. Evans, of the sum of 20,000 dollars, for the purpose of such survey, and to carry the object of it into effect; in regard to which it is needless to remark, that nothing was ever done; nor is it recollected that any other reason was ever given for the omission than the existence of some negotiation. The appropriation was limited to two years. In the interval, it will not be forgotten, another American citizen, and it is hoped, the last, was arrested, within the Madawaska precinct, in execution of a duty assigned to him by the laws of the United

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States, under the local authorities of Maine, and was imprisoned, once and again, until he was eventually liberated. This seizure was made the subject of complaint and reclamation in the same manner that had been adopted in the former case, and with similar success. These reclamations, it may be observed, have remained ever since suspended. The National Government have recognized their correctness on the part of Maine, and have acknowledged the title of the State to compensation. But the deepest impression was made upon the public mind, at this last period, by the open marching of British troops across the upper part of the territory in the latter part of 1837. Of the intention to do this, the Committee would observe, that simple notice was given by the British Government; and it was accepted, and communicated as an act of courtesy, to be duly appreciated by ours. That Committee feel restrained by motives of a high, prudent, and moral nature, from commenting on this circumstance, in all the relations in which it is concerned, and in regard to all the reflections and emotions to which it gives rise. Candour requires the admission, that the national administration did not at that moment foresee the consequence of this inconsiderate facility, or probably anticipate that it would terminate, as it has done, in an actual and apparently absolute occupation of that part of the Disputed Territory by an established British military force.

The Committee are willing to say, that they do not wonder at the difficulty which was found to understand the subject, or to perceive all its proper relations, in the state in which it was left previous to the period of the late administration; and they readily acknowledge that, making due allowance for the embarrassment in taking it up at first, there has been no want of an able and sincere attention to its interest; and that it has been passed from the hands of the late Secretary of State in a much better condition than he found it.

The Committee have now come to the period when Maine had so long seen herself exposed, without having any adequate shield against the aggressions and encroachments of the Provincial Government of New Brunswick, upon her borders; and when, feeling the extreme inconvenience and danger resulting from not having any marked and established frontier, she was compelled by necessity to take the work of ascertaining it into her own hands, and of determining it, so far as she could, unless she should be relieved from the task by the superior prudence and power of the General Government. This State saw clearly the importance and propriety of causing this to be done, if it could be so, by the authority of the United States; and if that recourse failed, the State was no less clear in regard to the duty it was owing to itself. Indeed, it saw no other alternative. At the same time, therefore, that the Legislature refused to give its consent, beforehand, to a conventional line, it further resolved that unless the Government of the United States should, alone or in conjunction with that of Great Britain, run and mark the line, by a certain time, (which was fixed in September, to await the adjournment of Congress,) the Governor of the State should enter upon the execution of that measure. No provision, however, was made for the necessary expense of that service, beyond what was contained in the ordinary contingent fund. That resolve and this fund were all that the Executive of the State had to guide and to aid them.

The Committee do not stop to state at length the views that were taken of the subject by the Governor of the State of that period, under the duties prescribed and enjoined upon him. They are exhibited in the communications made by him to the Government of the United States, and especially to the delegation of this State in Congress. Those views might be referred to still with interest and satisfaction; and it would give the Committee pleasure to copy them into this Report. In substance and amount they were:—that Maine was not desirous to assume the attitude required by her resolves; that the people looked with intense interest to the expected action of Congress and of the Federal Executive upon the subject; and that their earnest wish was, that the United States would go forward in the matter; that the State did not seek to act independently of the United States, but did feel that the subject belonged properly to the Government of the United States; that the question was a national one, and the action thereon should be national; that it was important that the Provincial and the British Governments should

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understand, that what was to be done should be so under the authority of the General Government, and would be sustained by it; for so long as they supposed that Maine was not acting in accordance with the sentiments of the United States, but proceeded on her own responsibility, alone and unsupported—so long must we expect a repetition of outrages upon our rights and upon the persons of our citizens and agents. Maine was obliged to move upon her own responsibility; but no just inference was thence to be drawn that she intended to absolve the General Government from its constitutional obligation, as the principal, responsible guardian power; and the course prescribed, was evidently intended to be pursued only in the last resort, to assert our rights, all other measures failing. But in that respect, the determination of Maine was announced to be fixed and settled; and, so far as rested on her Executive, her will, as expressed by the Legislature, should be faithfully obeyed and executed.

The Committee do not deem it necessary to go into all the circumstances of that eventful Resolve, and to review the whole transactions of that period in which our cause was raised from the character of a border quarrel—one in which it had too long been viewed by other parts of the Union—into its due relief and importance; when it was presented to public favour, and placed in the foreground of our public affairs, and lifted into the clearer light of day, as a matter about which there could be no doubt, and there ought to be no further dispute and delay. It was rescued, at the same time, from the deadly repose of diplomacy, and almost redeemed at once from those enormous errors and obliquities in which it had been involved by the predecessors of the now late Secretary of State. An arrangement was, at this point of time, without waiting any further, proposed by him to the British Government, under the direction of the President, to test the correctness of the opinion of the State of Maine, that the line described in the Treaty of 1783 could be found and traced, whenever the Governments of the United Sates and Great Britain should proceed to make the requisite investigation, with a predisposition to effect the desired object. It might seem strange, to be sure, that the question should be supposed to have arrived at such a pass; and the mode in which the investigation was taken up, at that particular moment, was far from being satisfactory; but it undoubtedly appeared to the Executive of the United States to be best; and it was regarded, indeed, it is believed, as the only alternative that could be adopted to the total rupture of negotiation. Whether that was of so much real importance as was then, perhaps, conceived, the result has hardly yet proved. The subject was, however, by this means, unavoidably taken out of the immediate hands of Congress, as a matter of practical consideration and proceeding, further than the occasion was thereby afforded to call for its definite opinion and decision thereupon. And it must be owned to have been a great and sensible relief to the State of Maine; and it awakened her warmest gratitude, that her call for the judgment of Congress was followed by the cordial and unanimous recognition of her rights by both its branches, and by the subsequent acknowledgment, so long suspended, of her title to recompense for essential and vital wrongs.

The cause of Maine was then adopted and made, not only the cause of Massachusetts and all New England, but the cause of New York and Virginia, of Pennsylvania, Ohio, and Kentucky, and, in fine, of the whole Union. While all might not have been done by the Federal Government that was desired by the Legislature, it is due to acknowledge that all was done by Congress that was in their power, under the circumstances in which they were called to act, consistent with the previous course of the President, in re-opening negotiation. Whether there is any reason for regret, in respect to that course, as before intimated, it is not within the province, if it were in the power, of the Committee to determine. They may, perhaps, be permitted to observe, that there was a full report made at that period of the agency instituted under the State Executive for the purpose of obtaining the constitutional sanction and co-operation of the Government of the United States. Full justice was intended to be done, as the Committee may believe, in that Report to the principal actors in that interesting and important matter; and a merited tribute was paid to those distinguished persons in the Senate of the United States, particularly, who took a leading part in the discussion and decision. The only difficulty was in assigning to individuals their proper share of that

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merit on our behalf, which, if so well deserved by them, was justly due to all. If there was an omission to be repaired, it might have been in respect to the names of the two representatives of Maine, therein mentioned as having taken an effective part in the finally-successful course of proceedings in the House of Representatives. There was no occasion to say that those two representatives were Mr. Evans and Mr. Fairfield; both of whom have since been remembered with the most respectful consideration by the State, and the memory of their arduous and faithful services on this subject is yet fresh in its mind. Without disparagement also to the constant and faithful services of a Senator from our own State (Mr. Williams), which are also entitled to their due acknowledgment, the Committee may be allowed the gratification of adding that the cause of Maine, in the true sense of the word, had no more decided and determined champion in the Senate than the present worthy Governor of Massachusetts.

If the Resolves of 1838 did not entirely reach their object, they may be well regarded as having accomplished their end. This was done, we would remark, in the first place, by means of those joint unanimous Resolutions of Congress which asserted the rightfulness of our claim, and the practicability of running and establishing the line of Boundary agreeable to the Treaty of 1783; and secondly, by engaging the co-operation and support of the Government of the United States, so much in accordance with the spirit, if somewhat short of the letter, of our Resolves; thirdly, the fulfilment of the course of action adopted by the General Government, so far as it proved defective upon a strict construction of those Resolves, was necessarily furnished by the conclusion of the Executive of the State, to go on and execute the instructions of the Legislature, as he had unequivocally announced his intention to do in that emergency. The absolute mandate of the Legislature left him no alternative; and although the path on which he was obliged to enter was one beset with difficulty and discouragement, he was equal to what the occasion required. The Committee are proud to recal that he had the satisfaction of being seconded, also, in carrying the undertaking into effect, by that constant, ardent, and indefatigable advocate of the rights and interests of Maine, the late John G. Deane, over whose recent and untimely grave we are called to pause, without turning aside, and to bestow the passing tribute due to his honest worth, and his persevering and devoted spirit.

And, finally, we may consider the end of these resolves to have been accomplished, in a material respect; that is, in regard to ascertaining what was the immediate object of that expedition, and which never fairly admitted of a question—the feasibility of the undertaking, if there was a disposition to go about it in good earnest. We may likewise be at liberty to look upon the late subsequent proceedings, instituted under the direction of the Government of the United States, for the exploration and survey of the Treaty Boundary, upon the north-east angle of the United States, as the final though tardy result and confirmation of the previous consequence of the resolves and proceedings of 1838 in this same respect. Without questioning whether the American Government ought to have allowed the British to have been in advance upon an investigation of this kind, it may afford sufficient satisfaction that the main object has so far been answered, and that the resolves of 1838 have been thus, in some important respects, although still imperfectly, performed.

In this respect the Committee may allude with gratification to the so far satisfactory results to which the Commissioners recently appointed by the Government of the United States have arrived, as already communicated. Without deeming them to have been of absolute and essential importance, we may regard them as auxiliary to what has been already accomplished, and as tending to carry out the purpose of the resolves of 1838 to their final completion. The character of the recent exploration is one well calculated to gain respect and confidence; and we hope it may be speedily pursued to the final determination of the lines it will be the object to run and mark.

The Committee have now come upon a period at which Maine was called upon to test the firmness of her principles and the fortitude of her purposes, and they may further say, the strength of her resolves, upon a sudden and somewhat unforeseen emergency. This was in consequence of information communicated to Governor Fairfield, on entering the duties of his office, as successor to Governor Kent, in 1839, and by him confidentially to the Legis-

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lature, that there was a large assembly of unknown individuals upon the border, many of whom were from the British provinces, engaged in trespassing extensively upon the lands belonging to this State and Massachusetts, within the proper jurisdiction of Maine; and it was further stated, that they not only refused to desist, but that they defied the power of this Government to prevent their committing depredations upon the timber within the territory, to any extent they pleased. In consequence of this communication, and the evidence in support of it, the Land Agent of the State was authorized, by a special resolve of January 24, 1839, to employ forthwith sufficient force to arrest, detain, and imprison all persons found trespassing on the territory of this State, as bounded and established by the Treaty of 1783. In proceeding upon the execution of this duty, upon the south side of the St. John, and west of the meridian dividing Maine from New Brunswick, the Land Agent was surprised and seized by an unauthorized force from the other side of the line, of the same character, if not in connexion, with the general trespassing parties in the night, and was drawn, with circumstances of indignity and precipitation, to the seat of the Provincial Government at Fredericton. There he was received, detained, and treated as an offender; and shortly paroled, as a prisoner of state; so, that, in addition to the indignity to which this State was thus subjected by the seizure and captivity of her official public agent, representing her supreme power and acting under the direct authority and commission of the Legislature, it had to endure the further mortification of having the appropriate duties of that high officer discharged by a paroled prisoner of Her Britannic Majesty's Lieutenant-Governor of New Brunswick, liable to be called to answer, at any moment, for official acts by him performed upon the territory in question; while it had, at the same time, to digest the double disgrace of receiving this derogatory boon, under degrading circumstances, from a deputed power, which demanded the whole Disputed Territory to be under the immediate custody of a Provincial Warden.

To pass rapidly over events so recent, as not to require recital, and not to burden this Report with details of which we may retain, perhaps, too deep and vivid a recollection, it may be observed, in passing, that the course thus adopted by this State, in resorting to its own power for protection, and moving upon the emergency to repel lawless aggression, was one, of which the legitimacy was recognized as well by British as by American jurisprudence, and it was allowed by Congress to have been exerted in strict conformity to the established principles of the fundamental law of both countries. The first appeal, moreover, to military force was made, and so declared by Congress, by the Lieutenant-Governor of New Brunswick; and the consequent proceedings on the part of Maine were acknowledged to have been purely defensive. The pretension assumed by the Lieutenant-Governor of New Brunswick was considered as excluding the civil, as well as the military power of this State. It no less rejected the right of the United States, than that of Maine, to interpose any authority to preserve the peace and order of a portion of country, to which the British Government could extend nothing but a naked and destitute claim; and which portion was comprehended in the ancient recognized jurisdiction of Massachusetts. These facts and principles were embodied in an able and patriotic Report from the Committee of Foreign Affairs, presented in the House of Representatives, on the 28th of February, 1839.

Maine has not forgotten the generous and simultaneous sympathy which swelled throughout the land, nor will she cease to bear in mind the noble burst of indignation which arose in the Halls of Congress, above all other interests, on the occasion of this movement from New Brunswick, and the stand assumed by Maine. The demand upon this State to divest herself of a jurisdiction practically established, and perfectly defined, and to surrender it to a contiguous foreign province, was listened to with astonishment; and the idea was not tolerated for a moment. The objection to the military occupation of the Disputed Territory by Great Britain was pronounced to be insurmountable; and the execution of orders to that effect was proclaimed to be incompatible with the honour of the United States. The pretence, that there was any agreement or understanding that Great Britain should occupy the territory as she claimed, pending the controversy, was instantly repudiated; and the right of the State to the control and protection of her own domain fully asserted. The appeal, that was made by Maine at that moment to the General Govern-

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ment, met with a prompt and immediate response. The reply was one that manifested a due sense of her rights, by spreading over them the ample folds of the federal union; and the sensibility of Congress to the claim of the State for protection expressed itself at once in the most effective and emphatic form. By an Act of Congress, upon the Report of the Committee of the House, the President was authorized to resist and repel any attempt on the part of Great Britain to enforce by arms her claim to exclusive jurisdiction. The whole military and naval forces of the United States were placed at his disposal, with such portions of the militia as he might see fit to call out for our protection. Ten millions of dollars were appropriated for the purpose; and a special provision was further made for the appointment of a Minister to Great Britain, if the President should consider it expedient. This act was to continue in force until sixty days after the commencement of the then next session.

Maine, in return, was solicited and appealed to, to rest satisfied with this vindication of her sovereignty, and to rely on this full assurance of protection; and this Act of Congress was presented to her at once, as a pledge on the part of the Government, and as an inducement to prevail upon her to withdraw her military force, then rightfully in arms to sustain the civil authority and to repel invasion. The Committee almost quote the public language employed by high authority upon that occasion; and they may refer to the general character of the acts and declarations of the Federal Government in our favour. And they would take this further opportunity to say, with sincerity and pleasure, that if there had been any real want of vigour in the course of the late national administration upon this important subject, there has been scarcely any failure of the most uniform, conciliatory, and respectful treatment toward the State and its official authorities.

Upon view of these measures of the National Government for the protection of the State, and in particular, of the provision also for the appointment of a Special Minister to the Court of St. James', the Legislature passed a resolve on the 23rd of March, 1839, which asserted the right of the State to exclusive jurisdiction over all the territory that lies west of a due north line from the monument to the north-west angle of Nova Scotia, to wit, all that had been called the Disputed Territory; and it denied the competency of any other authority to limit or impair the exercise of that inherent right, according to her own sole judgment; and expressing at the same time an earnest desire to come to an amicable adjustment of the whole controversy, (referring immediately to the provision for the appointment of a Special Minister,) it did further resolve to forbear to enforce her jurisdiction in that part of the territory of which the possession was then usurped by the Province of New Brunswick, so far as she could do so, consistently with the maintenance of the former resolve of January 24, which has been mentioned; and in relation to that late resolve the Legislature still declared it to be no less the imperative duty than the unalienable right of the State to protect her public domain from depredation and plunder, up to the extremest limits of her territory; and that, moreover, nopower on earth should drive her from an act of jurisdiction so proper in itself, and to which her honour was so irrevocably committed.

The Legislature also expressed its perfect approbation of the public measures pursued by Governor Fairfield in relation to the Disputed Territory, and further declared its determination to stand to, and sustain the execution of, the aforesaid resolve of January 24. It, however, authorized the Governor, whenever he should be satisfied that the exigency had ceased, and that all intention of occupying the Disputed Territory with a military force, and of attempting the expulsion of our own party, had been abandoned, to withdraw the militia, leaving the Land Agent with a sufficient posse, armed or unarmed, as the case might require, to carry the said resolve into effect.

The Legislature, at the same time, (having before them the recent demonstration made under the direction of the former Governor,) deemed that the entire practicability of running and marking our North-Eastern Boundary Line, in strict conformity with the Definitive Treaty of Peace of 1783, was placed beyond a doubt; and further declared that a crisis had arrived, when it became the duty of the Government of the United States forthwith to propose to that of Great Britain a joint commission for the purpose of running the line accordingly; and in case of refusal on the part of Great Britain, it

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was incumbent on the United States to run the line upon their own authority, and to take possession of the whole Disputed Territory without unnecessary delay.

In the mean time it may be remarked, that a preliminary arrangement had been entered into by a memorandum signed on the 27th of February, 1839, between the Secretary of State and the British Minister; which, after stating the different views entertained by the two parties on the point of jurisdiction, proposed, that while the Lieutenant-Governor of New Brunswick should not without renewed instructions undertake to expel by force the armed party employed upon the Aroostook by Maine, it should, on the other hand, be withdrawn by Maine; and, furthermore, that all future operations for protecting the territory against trespassers, should be carried on, either jointly or separately, by agreement between Maine and New Brunswick.

With the greatest deference to the high source from which this proposal proceeded, the Committee cannot close their eyes to the singular and somewhat extraordinary nature and character of this recommendation. Maine had, to be sure, been compelled to act upon a sudden occasion in self-defence; but she had not presumed to enter into any relation with New Brunswick, in face of the absolute clause of the Constitution which forbids any State, without the consent of Congress, to "enter into any agreement or compact with another State or with a Foreign Power, or engage in war, unless actually divided, or in such imminent danger, as will not admit of delay." Certain stipulations are stated and understood to have been subscribed to and interchanged between the then Governor of Maine, and the Lieutenant-Governor of New Brunswick, under the mediation of a distinguished military officer, sent hither by the General Government; but they have not been understood, on the part of this State, to have exceeded the limits prescribed by the cotemporaneous resolves, of which alone they could have been in execution, or fulfilment, so far as this State is concerned; and as to any further virtue or efficacy, the subscription must, the Committee conceive, derive its authority entirely from the Commission given by the Government of the United States to Major-General Scott.

Be that as it may, the request, recommendation, or agreement (whatever it was), was immediately complied with and performed on the part of Maine, under the sanction of the National Government; and under a full reliance, also, upon its guarantee against any adverse military occupation of any part of the Disputed Territory by Great Britain. Upon the proposition made by General Scott to Sir John Harvey, it was signified by the latter not to be his intention, under the expected renewal of negotiations between the Cabinets of London and Washington, on the subject of the Disputed Territory, without renewed instructions from his Government to seek to take military possession of that territory, or to seek by military force to expel the armed civil posse or the troops of Maine.

This being, in the view entertained by Governor Fairfield, the exact contingency contemplated by the Legislature in the foregoing resolves, he did not hesitate to conform to the stipulation, by recalling the troops of Maine at once and dismissing them to their homes. It appeared to be the course prescribed to him by the Legislature; such a one as might be adopted without compromising the rights or dignity of the State, which had never, as he stated, proposed to take military possession of the territory. Our objects had been only, in the first place, to protect the territory from devastation by trespassers, and, secondly, to resist the opposite threats of expulsion by military power. Our militia had maintained their ground, while the exigency that called them out remained. When that was removed, the withdrawal of the troops was no abandonment of any position taken by this State: an ordinary civil posse was thereupon substituted, and stationed at one or two points only upon the Aroostook and St. John, barely sufficient for the intended purpose of preventing trespass.

It is unnecessary to mention that, under all these circumstances, the presence of any actual or impending military force upon our frontier was presumed to have been entirely removed. Such appears to have been the persuasion of Governor Fairfield when he prepared to meet the Legislature at the opening of the Session of 1840. But the communication he was about to make was obliged to be modified by the information which reached him, in

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reply to an inquiry he had addressed to Sir John Harvey, founded on previous rumour, that the British Government was about taking a military possession of the region of Madawaska. In this reply it was acknowledged, that one or two companies had been stationed at Temiscouta Lake; that this was done, however, not by orders from him, the Lieutenant-Governor of New Brunswick, but by virtue of authority superior to his, namely, that of the Government of Lower Canada. Through less official sources, accounts were received, about the same time, of the building of barracks by the British Government near the mouth of Madawaska River, on the St. John. These movements were naturally regarded by Governor Fairfield, under whatever branch of British authority, or upon whatever pretence they might be made, not more clearly as a violation of the spirit of the arrangement that had been adopted in the March previous, than as an absolute invasion of our territory, and as such, demanding the immediate and vigorous interposition of the General Government enjoined by the constitution and laws of the United States. In an ensuing correspondence, these measures on the part of the British were justified or defended by their Minister at Washington, on the grounds of a general report, of which that Government was said to be fully aware, charging the Legislature of Maine with the intention, during its then session, of revoking the provisional agreements then in force, and authorizing some new and extensive, nameless, act of aggression over the stipulated territory. From this offensive charge the State of Maine was justly vindicated by the Secretary of the United States; and the imputation was repelled with an equally measured force and propriety of expression; and this vindication was accompanied with a due demand for the removal of the invading force.

The Legislature at its next session, by its Resolves of March 18, 1840, gratefully acknowledged the patriotic enthusiasm with which several of our sister States had, during the preceding year, tendered their aid to repel threatened foreign invasion, and hailed the pervading spirit of self-sacrifice and devotion to national honour throughout the Union, as auspicious to preserving the integrity of our territory. They recognised, moreover, in like manner, the promptness and unanimity with which the last Congress, at the call of the State, had placed at the disposal of the President the arms and treasures of the nation, for our defence; and they regarded the firmness of its Executive in sustaining the course of the State, and in repelling the charge of any infraction of arrangement on the part of this State, and retorting a violation of agreement upon the British Government, and the decision manifested in demanding the removal of the British troops then quartered on the Disputed Territory as the only guarantee of a sincere desire for an amicable settlement of the Boundary Question,—all these acts of the Government, combined with the union of public sentiment, they looked upon and regarded as affording confident assurance that this State would not be compelled single-handed to take up arms in defence of its territory and of national honour; and they further avowed the conviction that the crisis was near, when this question would be settled by the National Government, either by negotiation or by the ultimate resort.

It was, moreover, resolved, that unless the British Government should, during the then session of the Congress, make or accept a distinct and satisfactory proposition for the immediate adjustment of the Boundary Question, it would be the duty of the General Government to take military possession of the Disputed Territory; and the Legislature did therein, in the name of a sovereign State, call upon the National Government to fulfil its constitutional obligation to establish the line which they had acknowledged to be the true boundary, and to protect this State in extending her jurisdiction to the utmost limits of our territory.

And finally, these resolves declared, that this State had a right to expect that the General Government would extend to this member of the Union, by negotiation or by arms, the protection of her territorial rights, guaranteed by the Federal compact; and thus to save her from the necessity of recurring to those ultimate rights of self-defence and self-protection, which do not depend upon constitutional forms; and they concluded that should this confidence be disappointed, in view of such a speedy crisis, it would become the imperative duty of Maine to assume the defence of the State and of national honour, and to expel from our limits the British troops then quartered upon our territory.

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In proposing to take an observation of our exact position, and in regard to our situation, under the terms and import of our Legislative Resolves, and under all the circumstances in which we are necessarily placed, at the present period, the Committee would remark that they have been guided by the public documents that have emanated from the Governments of the United States and of this State, so far as they have extended; it so happening that there has been no Report, such as was formerly usual from the Standing Committee upon this subject, for the last two years. The active duties in which the State has been necessarily engaged during that interval, may naturally account for the omission; and the Committee may be permitted to allude to it, as an apology, if one is to be offered, for the more extended range which the present Report has taken, in regard more particularly to the transactions and events of the last three or four years, which have been so pregnant with momentous concerns and consequences.

The last Legislature, it has been noticed, invoked the General Government for protection and for the settlement of this question shortly by negotiation or by arms; and unless a distinct and satisfactory proposition for the immediate adjustment of the question should be made or accepted by the British Government during the session of Congress, which expired last year, it solicited the General Government to take military possession of the Disputed Territory.

In view of these Resolves, the Committee would remark, first, that the appropriation made by Congress in 1839, making extraordinary provision for military force, and for a special embassy to England, had already expired, at the passage of those Resolves. Instead of adopting this last course, which appeared to be recommended by Congress, and which might have been the means of at least preventing the long delays required by interchanges across the Atlantic, (without making any remark, for which there might well be room, on the instructions to Mr. Stevenson, of March 6, 1839,) it seems that the ordinary sluggish course of negotiation was resumed, and it was to be carried on thenceforward at Washington.

Soon after the close of the session of the Legislature in 1839, and the termination of that matter, a proposition was made by the British Government to our own for establishing a Commission of Exploration and Survey, but one so loaded with such limitations and qualifications as to cause its rejection by the President at once. Subsequently, in the course of the next summer, a Counter-project was submitted to the British Government, which included a provision for the certain and final adjustment of the limits in dispute; and it was kept by that Government for some time under consideration. It seems no reply had been received by the President at the commencement of the session of Congress in December (1839). In the mean time the British Government instituted the Special Commission, which has been referred to, for the exploration of the territory. It appeared by a subsequent official communication from Lord Palmerston to Mr. Fox, laid before Parliament in June, 1840, "that the British Government then concurred with the United States in the opinion, that the next measure to be taken by the two Governments should contain, in its details, arrangements which should necessarily lead to some final settlement." At the same time the British Government signified its willingness to assent to the principle of arbitration.

The note from Mr. Fox to Mr. Forsyth, conveying this concurrence and assent, dated June 22, 1840, according to his instructions, purported to state officially, "that Her Majesty's Government consent to the two principles which form the main foundation of the American Counter-Draft, namely: first, that the Commission to be appointed shall be so constituted as necessarily to lead to a final settlement of the question of Boundary at issue between the two countries; and secondly, that in order to secure such a result, the Convention, by which the Commission is to be created, shall contain a provision for arbitration upon points as to which the British and American Commissioners may not be able to agree." But it was further added, that there were "many matters of detail in the American Counter-Draft, which Her Majesty's Government cannot adopt."

The last President's annual message, at the opening of the late session of Congress, announced the arrival of the answer of that Government, accompanied by additional propositions of its own, some of which were assented to,

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and others not. Such as were deemed correct in principle, and consistent with a due regard to the just rights of the United States and of the State of Maine, were concurred in; and the reasons for dissenting from the residue, together with an additional suggestion on our part, communicated by the Secretary of State to the British Minister at Washington, through whom the recent reply had been received. The matter was again referred by that Minister to his Government for its further decision, for want of instructions upon some of the points, and that Government having for some time had the subject under advisement, the President expressed his confident expectation of a speedy and satisfactory termination.

That the condition or contingency required by the Legislature of Maine, at the last session, to the execution of its resolutions, has not taken place in terms is quite obvious. How far the State should rest satisfied with the reasons and circumstances assigned for the delay, or is bound to resign itself to this interminable course of procrastination, is not perhaps quite so clear. The State cannot forget its proper position in the Union, nor fail of the obligations it is under to abide the high behests of our supreme national counsels. At the same time it is absolutely impossible to reconcile itself to this system of endless delay, and this continual claim upon the inexhaustible confidence of our General Government in the equal disposition of both parties to bring the subject to a decisive conclusion. The original proposition of our own Government included "a provision looking in terms for a certain and final adjustment of the limits in dispute." And all that we are definitely led to understand that the British Government gives its assent to, from the language of Lord Palmerston, is, that the next measure to be adopted should contain—not in its absolute provisions, but its details—arrangements that should necessarily lead to some final adjustment! This prospect appears to the Committee, from the very form of statement, to be far from promising; and what is more observable in regard to the plan, it seems to have a reference to some more or less direct principle of determination to which the State has already signified its entire aversion. What may be the effect of the additional stipulation sent out we do not know; nor can the Committee tell us what is to be the alternative. But Maine can feel no assurance of safety or successful progress towards a conclusion in these vague, involved, and distant phrases. It is undoubtedly difficult to say that any course deliberately acceded to by our own Government would be likely to prove a delusion; but there is no certainty yet, nor any security when the subject will be redeemed from the arts and complications of diplomacy. The Committee must say they are not sanguine as to any prospect of a speedy or satisfactory conclusion to the present state of negotiation. All the propositions now pending, as presented to their minds, appear to them to be purely dilatory.

It is impossible, therefore, your Committee confess, to consider the language of the last Resolves as perfectly satisfied; though, that the whole subject is not placed in such a condition as in some measure to elude the operation of those resolutions, according to their literal force and meaning, is more than the Committee can undertake to say; and no less so, perhaps, whether it is in the power of the National Government to bring the business to a point, otherwise than by a positive rupture. The fact may be, that it is not in our power to relieve ourselves; and that we must suffer the mortification of having holden language which we cannot carry out without compromising our constitutional relations. But it is needless to remark, that there is no end to this course of diplomacy so long as it serves the purpose of delay, and to stave off a final determination. The postponement is indefinite, and we cannot but fear it will ever continue so, so long as Great Britain finds her advantage in keeping open a question that can never be decided in her favour, and in the mean time enjoys the value of a possession which she must eventually yield, or employs herself to strengthen a position she is not disposed to surrender, nor entitled to hold. From whatever cause the difficulty arises most, whether from an aversion on her part to come to an issue, or a reluctance and unwillingness on that of our own Government to precipitate one, which can by any means be avoided, it is apparent that the adjournment of it is equally detrimental to the rights and interests of Maine. Your Committee would be among the last to undervalue sincere and well-directed efforts to bring about an adjustment, at once peaceful and rightful, of the controversy; but they

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have seen too much cause to be convinced, that such a disposition, however just and creditable, may be abused.

The Committee may perhaps view themselves called upon to consider the effect of the stipulations adopted in 1839, under the authority of the Resolves of that year, or under the further advice and sanction of Major-General Scott, acting under and in behalf of the Government of the United States.

They may observe that nothing was considered to be done by Maine under the conventional agreement entered into and signed by Mr. Forsyth, the Secretary of State, and Mr. Fox, the British Minister, on the 27th of February, 1839. Without questioning the competency of the two parties to enter into such an arrangement between themselves, or the propriety of recommending it to the acceptance of the State of Maine, its obligatory force was not acknowledged by Governor Fairfield, who observed in his communication of it to the Legislature: "To such an arrangement I trust Maine will never consent. She has been sufficiently trammelled hitherto in the exercise of her rights, and will not voluntarily forge new shackles for herself."

The authority of the Governor, as the Committee view it, to bind the State by his signature to any public stipulation, was necessarily limited by the laws and constitution of the State. His authority in this instance was entirely derived from the Resolves of 1839; and your Committee not only do not understand that he did not intend to exceed it; but they do understand, that what he did he intended in strict and faithful execution of the immediate objects of those Resolves. Such was his language in reporting and communicating what he had done in virtue of these Resolves to the next Legislature; and such is the understanding of the Committee equally in regard to the import of the act on his part, and the character of the subject. The Resolves have been already recited. All the information the Legislature have of what was done by Governor Fairfield, under the Resolves, is contained in his subsequent communication to the Legislature the following year; and it is subjoined to a simple statement of having received the written assent of the Lieutenant-Governor of New Brunswick to the following proposition made to him by Major-General Scott: to wit, "that it is not the intention of the Lieutenant-Governor of Her Britannic Majesty's Province of New Brunswick, under the expected renewal of negotiations between the Cabinets of London and Washington, on the subject of the said Disputed Territory, without renewed instructions to that effect from his Government, to seek to take military possession of that territory, or to seek by military force to expel the armed civil posse or the troops of Maine." The residue of the correspondence has not been, that your Committee are aware, communicated to the Legislature.

The stipulation, therefore, entered into by Governor Fairfield, under the invitation and sanction of General Scott, is, as your Committee understand, perfectly fulfilled; and the Resolve of 1839 is therefore executed, and has been faithfully observed. The mission of General Scott to Maine was accomplished; and Governor Fairfield, having recalled the military, professed his willingness not, without renewed instructions from the Legislature, to reoccupy the field of dispute in the like manner. Here the immediate controversy subsided. Governor Fairfield may be deemed to have indorsed the agreement made for him by General Scott; who thereby undertook to guarantee, so far as he was capable, to the State of Maine, the counter security of the territory against the military operations of Sir John Harvey.

Such was the posture of Governor Fairfield, and the situation of Maine, in relation to the subject, touching the matter of arrangement. Soon afterwards, it would seem, that Sir John Harvey was divested of all further authority over the subject; and any power of a military kind in that quarter appeared to be transferred from him to the Government of Lower Canada. It may be noticed as a circumstance, that this silent operation, or transmutation, took place about the same time that the British Commission of exploration was closing its business, and shifting the highland description, which formed the southern boundary of Quebec or Canada, to the hypothetical maximum axis of elevation south of the St. John. It is not understood, however, that any corresponding change took place in regard to the usurping civil authorities at Madawaska. This alteration first disclosed itself, in that quarter, by the movement of military force from the side of Lower Canada to certain stations within the Disputed Territory; and in reply to a letter of inquiry from Governor Fairfield into the meaning of so apparent and palpable an infringement of the arrangement entered into under the mediation of General Scott, Sir

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John Harvey could only answer as before, that these movements were made under an authority superior to his own. It was added, that they were meant for the protection of certain buildings which had been constructed for the better accommodation of Her Majesty's troops on their march between the Lower and Upper Provinces, and of the provisions, stores, and other public property therein deposited; and it was further subjoined by Sir John Harvey that he should communicate a copy of the letter to the authorities in Canada, who, he was assured, would be as scrupulously desirous that the spirit, as well as the letter, of the agreement entered into, should be observed on their part, as he himself was. The remonstrance, however, produced no further effect; and this last December, upon the occasion of a new detachment of troops having arrived at the Madawaska settlement, Sir John Harvey deemed it consistent with the sincerity which had always marked his intercourse with the authorities of Maine, to apprize Governor Fairfield of the fact, and that the movement was made by the orders of the Governor-General of those provinces. It was evident that this movement was unadvised by Sir John Harvey, who could only apologize or account for it by reference to the complaints of certain civil authorities at that settlement, (one of them a supposed magistrate, and the other the pretended "Warden of the Disputed Territory,") which it had no other object than to support. And Sir John Harvey did not hesitate to express to the Governor-General his persuasion, that the movement for this purpose was needless, and that a corresponding armed civil posse to that of Maine would be quite adequate to prevent any unauthorized interference with the inhabitants or authorities of the Madawaska settlements.

The Committee would take leave to observe, that they know of no settlements bearing that name but the original and proper settlement of Madawaska. That is a spot, or settlement, with which the civil authorities of Maine have not interfered, since those who undertook to act under a law of the State, in organizing the place in 1832, were seized, imprisoned, and punished at Fredericton for the offence, excepting the like seizure and imprisonment of Greely for taking the census in 1837. As to what is supposed to have occurred at Fish River, it is stated as having been represented to Governor Fairfield, that it took place when certain of the citizens of this State were assembled at the Fish River settlement to give in their votes at the recent election for President and Vice-President, under a late law of this State authorizing it. The territory contiguous to the mouth of Fish River, on both sides of the St. John, is not considered, in any proper sense, as included in the Madawaska settlement, which is confined to the immediate vicinity of that river, and does not extend up even to the mouth of the Meriumpticock. To the original and proper limit of the old Madawaska settlement, the adverse local possession ought, in the opinion of your Committee, to be reduced; and it ought to be restored, and confined strictly, to its former civil character.

To return, however; the Committee would not fail to treat the species of arrangement in question, under whatever authority it was entered into, with all the respect to which it is entitled, and to render it all proper regard and observance. Having punctually complied with any obligation that might be deemed to be entered into on the part of Maine, it is of no consequence as to the origin of the agency, which is of no further importance, than that the State should stand clear of any reproach upon her good faith and allegiance. It cannot be pretended that there has been any failure upon her part to fulfil any duty that may have been imposed upon her, in whatever way or manner she may have been committed. The imputation cast upon her at one time, to say the least, without sufficient cause and consideration, of any intention to break through the engagements she was placed under, has been repelled with no less force than truth. But it is obvious, that any obligation of this nature, to be effectual, must be mutual. It is plain that it cannot be violated on one side at will, and preserve all its binding force upon the other. The Committee are not called to make any complaint of any breach of agreement between the authorities of this State and of New Brunswick upon the subject. They much doubt, as they have already signified, the competency of any arrangement between the State and a foreign province, without a constitutional sanction, which has not yet been asked; and they should hesitate no less upon the propriety and expediency of any convention or co-operation between two opposite Governments or communities, situated and related as these are, for

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purposes which this State, as they conceive, ought either to take upon herself or to be entitled to call upon the General Government to perform, or to provide for her. As to the policy, as well as the principle, of any different course that has been proposed to her, the Committee can have no doubt at all. If any compact exists, or any is violated, in whatever form it has been made, it must be one between the Governments of Great Britain and the United States; and such, as it is the province of the latter, and not that of this State, to see to the effect of, and look after its observance. We do not hold ourselves entitled to call upon a foreign Government for its performance. Our relations are properly with the Government of the United States, upon a subject of this kind, only. It is their agreements and stipulations in regard to our security upon which we must be understood to rely; and we cannot be deemed to have given our consent to any provisionary arrangement, except under the sanction of our own Government, and its guarantee of our own safety. In short, it must be the essence of any agreement entered into by us, that it should be with, and through, the Government of the United States; although we may well view and hold ourselves as bound to fulfil any proper stipulations that the Government has actually made upon our behalf by its own officers, and with the consent of our Executive agents and Legislative authorities.

The Committee consider it to have been well observed by the Governor in his official communication to both branches of the Legislature, on commencing the duties of his office, that "whatever arrangements have been assented to, in regard to the jurisdiction of different portions of the territory, pending negotiations, must be regarded merely as temporary in their nature;" as well as "under a protest always that we relinquish no claim, and no right, to the absolute and undisputed ownership and jurisdiction of every inch of our State." It is a matter which must force itself upon the mind of every reflecting friend of the peace of the two countries, as it has done, that these sub-arrangements or understandings, are of too slight and precarious a texture to permit the tranquillity of these neighbouring communities to rest upon them.

The arrangements understood to be assented to on the part of Maine in 1839, by which, on condition that Maine should remain in undisturbed possession of the rest of the territory, it was stipulated that we should not attempt to disturb by arms the Province of New Brunswick in its proper Madawaska possession, was only acquiesced in, as the Governor further remarks in his communication, "by the people, on the ground and the belief that immediate and determined efforts were to be, in good faith, adopted by both General Governments, to bring the matter to a speedy, just and final determination. Indulging such hopes," the Governor also adds, "Maine has certainly yielded much in the matter of temporary arrangements, influenced by the wish to preserve the peace of the country and to remove all obstacles to the progress of negotiations. But she has a right to ask," (he subjoins, with no undue emphasis,) "when she yields so much, that her motives should be appreciated, and her cause become the cause of the whole country, and be pressed with vigour and energy to a final settlement."

Earnest and strong as is the desire of this discreet and determined community to remain at peace with her neighbours on this continent, still she can no longer give any consent to the exercise of provincial authority out of the proper orbit of Madawaska. Neither can this State enter into any temporary partition of its own power with a foreign province, or agree to the exercise of any equal, divided, or concurrent authority, either with New Brunswick or Canada, over any other part of her own exclusive territory. Still less, if it be possible, can she endure to see the portion of which the Provincial Government, whether above or below, still claim to be in possession, (and the only portion to which it ever had any shadow of pretence,) converted into a military depôt, as avowed by Sir John Harvey to Governor Fairfield, in the first place, by the erection of barracks, and the collections of stores, provisions, and other munitions of a hostile character, under the name of public property, for establishing a cordon of military communication between the Upper and the Lower British Provinces. This is bringing upon us in time of peace, (to us the most profound, unless we are aroused or awaken,) all the forms of almost unmasked war. It realizes, in advance of the result of any arbitrary process for the division of our Disputed Territory with Great Britain, the dangerous character of this decided military demonstration within our limits. It advises and admonishes us, moreover, of the rather too

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obvious and undisguised meaning of a noticeable and striking passage in the letter of the British Minister, Mr. Fox, to Mr. Forsyth, dated November 2, 1839, in which he remarks, that "whatever shall be the line of boundary between Her Majesty's possessions and the Republic of the United States, definitely recognized and decided upon by the two Governments, either through the attainment of the true line of the Treaty of 1783, or through the adoption of a conventional line, Her Majesty's Government will have to rely upon the Federal Government of the United States to assist and carry out the decision, whatever may be the views and pretensions of the inhabitants of the State of Maine notwithstanding."

Your Committee may here remark, that when these facts, in regard to the stationing of regular military forces by the British provincial authorities upon Lake Temiscouata, and of their building barracks, as represented, at the confluence of the Madawaska River with the St. John, were brought to the direct knowledge of the National Government, they were pronounced by the President to be a flagrant contravention of the existing understanding between the parties; and those authorities were distinctly and emphatically admonished, through their regular Minister, of the obvious inexpediency and imprudence of such proceedings, and of the effect likely to arise from persistence in them.

The only explanation produced by this expressive remonstrance was conveyed in the shape of a letter from Mr. Fox to Mr. Forsyth, of January 24th, 1840, to the effect that the movement complained of was nothing new, and that it was only a change of force to keep up the station at the Temiscouata post, as it always had been, "for the necessary purpose of protecting the stores and accommodations provided for the use of Her Majesty's troops, who may be required, as heretofore, to march by that route to and from the provinces of Canada and New Brunswick." It was not admitted that any new barracks had been built, or were building, by the British authorities on both sides of the St. John, or at the mouth of Madawaska river, or, in fact, anywhere; and it was declared that no intention existed on the part of those authorities to infringe the terms of the provisional agreements that had been entered into the year before, so long as there was reason to trust that the same would be faithfully adhered to by the opposite party. But it was at the same time plainly avowed, that Her Majesty's authorities in North America, observing the attitude assumed by the State of Maine with reference to the Boundary Question, would, as then advised, be governed entirely by circumstances, in adopting such measures of defence and protection, whether along the confines of the Disputed Territory, or within that portion of it where the authority of Great Britain, according to its own explanation of the existing agreements, was not to be interfered with, as might seem to them necessary for guarding against or for promptly repelling the further acts of what was termed hostile aggression, which it appeared to be the avowed design of the State of Maine, sooner or later, to attempt. Her Majesty's authorities in North America, it was averred, had no intention, on their part, to interfere with the course of pending negotiation, by the exercise of military force; but that they should as then at present advised, "consult their own discretion in adopting the measures of defence, that might be rendered necessary by the threats of a violent interruption to the negotiation, which had been used by all parties in Maine, confirmed, it was alleged, by the language employed by the highest official authority (alluding to the recent message and correspondence of the Governor) in that State."

The official reply to this plain note professed to express the satisfaction of the President, that no actual change was understood to have taken place in the attitude of Her Majesty's authorities in the territory, since the date of the arrangements entered into; and that there was no intention to infringe them on their part, so long as their terms were faithfully observed on the side of the United States. It signified, however, much regret, that the British colonial authorities should, without graver motives than a mere possibility of a departure from those arrangements by the State of Maine, thus take upon themselves the fearful responsibility of being guided by circumstances, susceptible as those were of misapprehension and misconception, in regard to measures of precaution and defence, under this exercise of discretion, against imagined acts of meditated aggression on the part of Maine. And the hope was further expressed, with how little effect we have witnessed, that when the British

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Government at home should be apprized of the position assumed in this respect by its colonial agents here, proper steps would be taken to place the performance of express and solemn agreements, in effect, upon a more secure and solid basis than such a precarious sort of contingent colonial discretion.

It could scarcely have escaped notice in regard to the character of this correspondence, that a change had occurred in the style, if not in the attitude, of the British provincial authorities in America. Your Committee, however, are not aware whether the attention of the Federal Government was immediately drawn to the circumstance, that these forces seemed to have been detached and stationed there under the positive orders of the new Governor-General of the British provinces; nor are they apprized of the precise bearing which this circumstance might be considered to have, in the view of the National Government, upon the character of the arrangements deemed to have been subscribed to by the authorities of Maine and New Brunswick under its own high auspices. It has become apparent, at least since then, that the authority of the Lieutenant-Governor of New Brunswick is rendered subordinate in this respect to that of the Governor-General of Her Britannic Majesty's dominions; that there has been some new partition, or subdivision, by which, while the civil authority to be exercised in that region still resides in the Government of New Brunswick, the military power by which this State was menaced is transferred into other and higher hands; and all that Sir John Harvey can say, when he is apprized of our remonstrances and complaints, is that we must appeal to his superiors.

It may be recollected that inquiry was made soon afterward by the Senate of the United States, at its session a year ago, whether any measures had been taken under the Act of Congress, of March 3, 1839, or otherwise, to cause the removal or expulsion of the British troops which had taken possession of this portion of the territory of Maine, or whether any military posts had been established in Maine, or any other measures of a military nature, adopted preparatory to a just vindication of the honour and the rights of the nation and of Maine. The reply to this inquiry from the Secretary of War through the President was, that the circumstance of the occupation of the territory by British troops had been but recently communicated; and, having been made a subject of remonstrance and so become a matter of discussion between the two Governments, no measures had been taken of the character referred to under the Act of Congress or otherwise. To the residue of the inquiry it was answered, that no contingency contemplated by the Act of 1839 having occurred, no military measures had been thought necessary; repeating what had been previously stated by the President in his annual message to Congress. The Secretary further stated, that a military reconnoissance had been made in 1838, of the undisputed boundary of Maine, of which the result had been transmitted to the Senate the following session, but that there being no appropriation made, no fortifications were commenced. It will be understood that the other appropriations have expired.

From the parting communication made by our late Chief Magistrate, at the commencement of the present session, the Legislature is informed, that Maine is again subject to the mortification of having fresh troops quartered upon her territory. The causes alleged for this renewed outrage, and the circumstances by which it is attempted to be palliated in the letter of Sir John Harvey are so trivial, as justly observed by Governor Fairfield, to hardly afford a decent pretext for thus adding another to the catalogue of wrongs and injuries which the people of this State have so long been compelled to endure at the hands of the British Government. So sensible was Sir John Harvey himself, we may remark, of the slenderness of this pretence, and of the superfluousness of this further force, that in conveying this information, as he claimed to do with his accustomed frankness, of the recent arrival of a new detachment of Her Majesty's troops at Madawaska, he avowed he had not hesitated to give his opinion at once to the Governor-General that it was unnecessary, and that he had no doubt that the Governor-General, on this suggestion, would forthwith give directions for withdrawing the troops. This communication came dated December 10th last; and the same, together with the Governor's reply, requesting further information upon the subject, were transmitted to the President within a few days after; and the former ex-

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pressed his full reliance, that if the suggestion of Sir John Harvey to the Governor-General should prove unavailing, the Executive Government of the United States would forthwith take measures for the withdawal or expulsion of these troops from our territory. Since this last period the Legislature has received no official information from any source. Nothing has reached us but rumours from the adjacent provinces, that the military position in question was intended to be maintained; and there has nothing yet come from any quarter to tranquillize and assure us further.

The Committee have gone into these details more fully, in order to place the subject in all its extent before the Legislature, for their consideration at its present session. The Resolves passed the last day of the session, March 23rd, 1839, pledged the power of the State to the protection of its territory up to its extremest limits, and asserted the right of exclusive jurisdiction over the whole extent of it. And they denied the efficacy of any agreement entered into by the Government of the Union to impair her prerogative to be the sole judge of the time and manner of enforcing that right. The State had, however, the guarantee of the General Government at that time, that if it would withdraw her military force from the frontier, the adverse military power, with which it was threatened, should immediately be caused to cease upon the other side. This guarantee the State afterwards accepted: and in consequence of this, and of the agreement to that effect entered into by the Lieutenant-Governor of New Brunswick, Maine did promptly and unhesitatingly withdraw her advanced military force. That pledge has not been performed; or if apparently so for a brief period, it has not been fulfilled; but it has been openly and deliberately violated. We may have been slow in coming to this conviction; but the fact cannot be concealed, and is hardly attempted to be disguised. As the matter now stands, the State is without any barrier, or boundary, against the Provinces of Great Britain, not even where the north line crosses the St. John. Barracks have been erected above that point; boats have been built upon the Lake; troops stationed at different posts, stores and munitions of war collected, constituting an actual military and naval armament; which is at this moment established upon the shores and waters of the Madawaska region, contrary to all the stipulations and mutual engagements of the two Governments. And Maine is compelled to forget, if she can, that all this is done within a precinct specially incorporated by an act of her Legislature, the validity of which is also recognized and confirmed by an Act of Congress.

It may properly be avowed, that Maine may still consider herself to stand pledged for the present, by the course that has been pursued by her authorities under the sanction of the General Government, not to disturb by any active proceedings of her's the British Provincial, that is to say, local possession at Madawaska; while, at the same time, she must be allowed to extend her civil power, for the protection of her territory against devastation, without any limitation as to the sphere of its operation, within the bounds of the Treaty of 1783; but that to suffer a military occupation of any portion of it, is incompatible with her existence and character as an independent State. She may well submit to the moral and self-imposed restraint of forbearing to exercise her given faculties, and to exert her lawful rights up to their full extent; but she cannot, with the same comfort or consistency, yield a silent and unresisting submission to the operation, until it becomes overwhelming, of absolute superior force. She may accord a loyal and becoming obedience to the graver authority of the Union; but she cannot without extreme, unmitigated pain, see any part of her soil subtracted and reduced to exterior colonial subjection; nor can she bear to have a foreign military force planted upon her with any more patience than our fathers could endure the same species of intolerable oppression. She acknowledges faithfully her obligations to the Union, and that she is bound to consult the feelings and opinions of the county, and to make no further movement, moreover, without invoking its aid, or asking its authority. But this is the point at which she unavoidably stands, and her fidelity entitles her to its confidence, and her necessity to its constitutional support.

Now all this, it may be admitted, might be tolerated perhaps by the Union, for the sake of tranquillity, if it was not pregnant with such real danger, and did not involve so much evil in the way of injury and sacrifice,

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to the prospects and peace of Maine. Winter, which shuts up the St. Lawrence, and pours hosts of trespassers and marauders into our woods and forests, closes down upon us with an increased pressure from the military power of Great Britain. Between the Government of Canada above, and that of New Brunswick below, we are pressed as between the upper and the nether millstone. We are thus obviously exposed to a double increased damage from our open and unguarded situations upon the borders of these different dependencies upon a distant foreign Government; so far off, and thus situated in regard to us, that "oceans roll and seasons pass between the order and the execution;" or possibly the advice and recal. Our territory is now more than made a complete thoroughfare for the passage of British troops; while we have even no projects of national fortifications to protect us any further than Houlton, nearer than at the Forks of the Kennebec, or the mouth of the Mattawamkeag.

Even the military road which was authorized by Cougress so long ago as 1828, to be laid out to the mouth of the Madawaska river, in virtue of what the succeeding President, General Jackson, declared to be an unquestionable right, the exercise of which the American Government would not allow to be restrained by the protest of the Lieutenant-Governor of New Brunswick, but only to be postponed for the time being—as expressed by the then Secretary of State, Mr. Van Buren, to the British Minister, as a proof of forbearance, intended in an amicable spirit of conciliation—has so continued ever since, and it would almost seem to be, indefinitely. The appropriations of 1836 and 1839, by Congress, were suffered to expire; but this authority has only been suspended; and it is for the Executive Government to determine, whether the period has not arrived at which the execution of it ought to be resumed. The present condition of the State of Maine certainly demands it.

The Committee are here induced to omit much they might otherwise be disposed to say on this subject, and in relation to all its immediate and future bearings upon the public peace and welfare; and which they are constrained to do, as well in consequence of the length to which their remarks have already been extended, as from considerations of a serious kind which are not without due weight upon their minds. Perhaps they ought to say more in regard to the neglect of preparations for defence, in our exposed and unprotected position, the necessity of which has long been pointed out and felt, and the power to provide for them, even when put in force, suffered to stand a dead letter. The State of Maine has had its virtue put to the severest test, until even the very length of time that the Government has delayed its duty, and she has been obliged to endure its omission, is liable to be turned against her, and set up as on her part a prescriptive sufferance.

The principal view which the Committee have had in preparing this Report, has been to present a further vindication of the rights and principles of the State in regard to this subject, and to the course which her people and authorities have hitherto pursued, and the position which they now maintain in respect thereto. They would wish not to make a mere appeal to the sympathy and fellow-feeling of her sister States, and to the patriotic sensibility of the people of the United States upon points apart from public right and national honour; but they would be no less desirous to extend it to the justice of England and the judgment of Europe, nay, of the whole world, if so remote a portion of it, as the inhabitants of Maine could hope to have their cause heard before so vast and elevated a tribunal. Nor would they shrink from submitting it to the future judgment of posterity and the final sentence of mankind, upon its real merits, (not as they may have presented them,) when the present age shall have passed away, and the accounts of the present questions shall have all been closed. They would not refuse to commend it to the native "nobleness and manliness of Englishmen,"—to the generosity which was manifested in the last painful effort of separation,—to that magnanimity displayed by the Monarch in proclaiming, as he did, with profound emotion, the great dismemberment of the empire,—concerning, that is to say, this long pending question with Great Britain, in reference to the true right of a territory which is and was always ours, infinitely more than it was ever hers; ours, no less in the first place, by the strength of primeval right; ours, also, by the Acts of Crown and Parliament, as well as by our own energies and achievements, when our sires were the loyal subjects of a common Sovereign; ours,

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if she still chooses, by the terms of her own free and full assignment at the partition of that empire, originally divided by the ocean; ours, in fine, by the ancient honour of Great Britain, by all the faith of treaties, by the sacred principles of public laws, and eternal truth and justice. There is no wish in this part of the Union for extension of territory; we are content with our own limits. If injustice has heretofore been done us, if justice has not been done us in that respect, or any misfortune has attended the decision of points that have already been determined unfavourably to us, we are disposed to abide by it, and do not now seek to remedy it. We are only solicitous to enjoy the rights and advantages which the laws of nature and nations have secured to us, and to realize the benefit of that condition which Providence seems to have designed for us upon the foundation of State and national independence.

There is one circumstance also, in regard to which your Committee believe that the people of Maine would be willing that their course and principles should not be misunderstood; although they would not be under any solicitude respecting it. It is now a well known fact, not only that Maine has not in any manner intermeddled, but that she has uniformly abstained from any intermixture of her own causes of complaint with those of an exciting nature that have prevailed along further portions of the frontier, and has faithfully kept aloof from mingling her concerns with other distant and disturbing questions with Great Britain. And this, although she has one interest of great importance, much involved in the present issue, which has not been distinctly developed in the immediate connection with it. The circumstance above alluded to, not perfectly perceived and even at first distrusted, was afterwards freely confessed by that vigilant and virtuous observer of our course, Sir John Harvey, who will retire from his station, when he shall be called away by his Sovereign, with the esteem of the people of Maine. Although inclined at first to credit opposite surmises, he soon became convinced of the truth, and, with his characteristic candour, communicated it to his own Government. Nor is it at all unlikely, that a persuasion of this integrity of our purpose entered into the exercise of that high prudence and proper discretion, by which his judgment was determined in a delicate and critical emergency. But while it may be well, it should be understood that Maine has not been disposed to compromit her cause with any foreign matter, your Committee would be far from wishing to enter into any vindication upon this point, or be anxious that the State should set itself apart from the just and common feeling of kindred humanity which pervades this vast hemisphere.

Resolutions of the Legislative assemblies of some of our sister States have reached us now, or lately, in response to our own former proceedings and resolves, and have been referred to this Committee. Those of the State of Indiana were transmitted at the late adjourned session, being a special one for the general revision of the laws, and may be deemed to have been postponed to the present, not having been before printed; and, having been recalled from the files, they will, with your permission, form part of this report. The Committee accordingly refer to them with feelings of mingled gratitude and pride. These Resolves of Indiana are echoes of those of Ohio, formerly received, which they recite, and which likewise recited, in the spirit of that immortal ordinance upon which the original constitution of the whole north-west territory (once a single government) was framed, the grounds of our just territorial right, and the indefeasible character of our title to the soil of the State and nation.

The Indiana Resolutions cherish the hope, that in the adjustment of this question of our national boundary, the integrity of our soil, and the national honour may be preserved inviolate, without an appeal to arms. They further express, that they highly approve the efforts made by the now late President of the United States to avert from the country the calamities of war. Yet ever preferring honourable war rather than dishonourable peace, in case of unavoidable collision in settling the pending dispute, they join with Ohio in the declaration she had made, and the generous oblation of her whole means and resources to the authorities of the Union in sustaining our rights and honour.

The Resolutions of the General Assembly of Alabama, transmitted at the

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present session, in more guarded and measured terms, declare it to be the solemn and imperative duty of the Federal Government faithfully to maintain every obligation it is under toward the State of Maine, touching the establishment of our North-Eastern Boundary Line; that the question is one not local in its character to this State, although this State is allowed to be more interested than any other in its adjustment, but that it concerns the whole Union; that the Government is bound in defence of its own honour, not to concede to Great Britain any claim not strictly founded in right and justice; and that it is the duty of Maine to trust the decision of the matter to the counsels of the Union, and to abide thereby, whatever it may finally be, and whether exactly consistent with her own wishes or not. They further declare, that they should deprecate a resort to force, until every honourable peaceful expedient has been exhausted; and while they are ready to go to war, if Congress so says, they should deeply regret to see the State of Maine take any rash step which might tend to plunge her sister States into a war, more through sympathy and feeling on their part, than from any deliberate choice and determination.

To the more advisory and admonitory tone of these Alabama Resolutions the Committee do not except, though it is somewhat more collected and grave than we have been accustomed to, in our painful condition, from our sister States. We may assent to their fitness, and be content with the assurance they contain; and we may feel further all the force and propriety of the appeal. Yet, may we ask, what other State in the Union is there that could thus bear to see a district of its territory torn from its own possession, and held under the hostile flag of a foreign Power—its citizens interrupted and harassed in their peaceful pursuits—even those who bear the official signet of its authority, treated with violence and disgrace, and its dearest and most vital rights trampled upon, as those of Maine have been? These wrongs may well be imagined to require all her patience, and to admit of much alleviation. Alabama, we may be sure, does not mean to add to all this sense of what this State has experienced and yet endures, the most distant idea, in any contingency or event, of being laid under the ban of the Union.

To a people whose pursuits in life are moral and peaceful, and which cherishes a deep sensibility to all the guilt and wretchedness of war, it may be easy to see that a profound conviction must be required of the purity and righteousness of a cause which could, by any possibility, be exposed for its vindication to so great a calamity. Nor is there any occasion to colour or pourtray the consequences of such an alternative. It may well be admitted that something more that the ordinary apology for even defensive war may be demanded in this advanced and enlightened age of humanity and civilization, and we will not hesitate to say of religion also: one to be looked for only in the nature and circumstances of the case, such as must show themselves in unsullied purity and unblenching strength, so as to constitute an absolute justification in the moral view and judgment of mankind. If such may ever be found, it might surely be in the character of a conflict, to which a community like ours might be subjected, in defence of what is nearest to our homes and hearths, of our dearest rights and native land—a strife to which we might be exposed to preserve the inheritance we received from our ancestors before the Revolution, and the patrimony bequeathed to us by the patriotism of our fathers in the war of independence—a struggle to prevent the removal of our ancient land-marks, and subverting the very soil of our free institutions —points that are vital, let us be allowed to say, to the very principles of our social existence and prosperity. Such a cause as this, if it cannot ensure protection, may at least escape reproach.

Resolutions have just been received from Maryland, accompanied by a Report of much merit from the pen of one who has had official opportunity to become acquainted with the subject, declaring the perfect conviction which the Legislature of that State entertains of the justice and validity of the nation and of Maine to the full extent of all the territory in dispute; and subjoining that the Legislature of Maryland looks to the Federal Government with entire reliance upon its disposition to bring the controversy to an amicable and speedy settlement; but that if these efforts should fail, the State of Maryland will cheerfully place herself in the support of the Federal Government, in what will then become its duty to itself and to the State of Maine. After the

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expression of such opinion and assurance, these Resolutions say that the State of Maryland feels that it has a right to request this State to contribute, by all the means in its power, towards an amicable settlement of the dispute upon honourable terms; and they volunteer a suggestion, respecting a reasonable mode of mutual accommodation and adjustment, to which it strikes the minds of your Committee, that it will be time enough for Maine to attend, when it comes recommended to her consideration, as it would be by the condition with which it is connected, namely, that Great Britain should acknowledge the title of the State of Maine.

The Committee were apprized, that Resolutions had been presented, together with the able and critical Report that has been alluded to, to the Legislature of Massachusetts; and those Resolutions, accompanied by the Report, have been received and committed, in order to be acknowledged, while this Report was passing through the press. The Commonwealth has never failed, on any and every occasion, to testify her faithful interest in favour of those just rights which we have derived through her, and with which her own continue to be so closely associated. If we had not heard from her at this time, we should not have been left in any doubt of her disposition. But it is none the less satisfactory at this period, to be reassured, that, in her opinion, our right to require of Great Britain the literal and immediate execution of the terms of the original Treaty, relating to the Boundary in question, remains, after more than half a century, unimpared by the lapse of time or by the interposition of multiplied objections; that although there may be no cause to apprehend any immediate collision upon this subject, it is extremely important that a speedy and effectual termination should be put to a difference which might, even by a remote possibility, produce consequences that humanity would deplore; that anything is to be regretted coming from Great Britain, of the character of the late Report made to that Government under its late Commission of Survey, (though not understood to have received its sanction,) calculated to produce, wherever it is examined in the United States, a state of the public mind unfavourable to that conciliatory temper and confidence in mutual good faith, without which it is hopeless to expect a satisfactory result to controversies of this nature; that the interest and honour of Massachusetts alike demand a perseverance, not the less determined, because it is temperate, in maintaining the rights of Maine; that they now cheerfully repeat their often recorded response to her demand, that justice so long withheld should be speedily done her; and that while they extend to her their sympathy for her past wrongs, they again assure her of their unshaken resolution to sustain the territorial rights of the Union.

The Committee may, perhaps, deem themselves in some measure called upon, under the existing posture of circumstances, not without some hesitation, to touch upon a point of some delicacy; and which relates to the part this State may be in future required to perform in the further prosecution of this question, and in regard to bringing it to a determination. This point is presented, in the first place, by two distinct orders, one from the House of Representatives, and the other from the Senate, both referred to the immediate consideration of this Committee. The one requires the Executive authority of this State to be employed to expel the British force now quartered upon our territory; the other proposes to invoke the constitutional obligation of the Federal Government, and to call upon the National Executive for the prompt fulfilment of this duty. The alternative presented by the forms of these different legislative orders, dictated alike, as your Committee entirely believe, by the spirit of what was due, and even demanded, to the occasion, brings directly into view the continuance—they would not say the competency or propriety—of that former course of action, which the State qrescribed to itself, at those periods, which have been noticed, when the proper powers of the Federal Government appeared to be in abeyance as to us, if not abdicated here. And the Committee do undoubtedly conceive that this State would be untrue to itself, insensible to its own character, interest, and honour, to renounce or repudiate the position in which it was involuntarily placed, or the principles which it pronounced at any time, under the imperious necessity and duty imposed upon it of self-protection. It would be forgetful of the illustrious examples of virtue and patriotism, which were ever before the eyes of our cherished and devoted Lincoln, to disclaim the ground, or abandon the

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stand, which he so firmly and intrepidly took upon this question, when its gulf was first opened before us, and he was called to contemplate and survey the sacrifice. Neither would we bury with him the principle on which he acted. But we look upon it as having succeeded; and that we are now enjoying the value and benefit of it in the elevated position to which the progress of it has raised and carried us in the estimation of Congress, the respect of the Government, and the confidence of the country. Your Committee conceive and trust, that that point is now passed; a point ever intended to be taken and sustained in entire submission to the sense of the nation, and to be carried out only in subordination to its supreme constitutional authority, whenever it did or should become necessary, that is to say, to resort to the original principle of self-preservation, which is never to be recurred to only when all other resource fails, and which Maine alone means to reserve for extreme emergency, or the last extremity. The immediate legitimate objects of that just and necessary course of proceeding on our part adopted by her Executive and Legislative counsels, Maine is now disposed, your Committee apprehend, to regard and look upon as fulfilled. It has been fulfilled so far, certainly, at a great and enormous expense and even sacrifice to her; for which, as in performance of an important duty devolved upon her in discharge of the public service, she is entitled in return to cast herself upon the just consideration of the Republic. Henceforth she conceives herself to have acquired a perfect right to rely on the strengh as well as sympathy of the country, and upon the powerful arm of the National Government for vindication and support. That otherwise the object would not have been answered; but its real and proper purpose would have failed. The remainder might be more than she is equal to; but it would be ungrateful, now that her cause has been so perfectly affiliated, and the country asks us to accept its solemn assurance, to pursue any other course at present; and, as we value and cherish the pledge it has given us, not to be anxious to avoid anything to forfeit our title to its protection.

In coming toward a conclusion of the subject of this Report, and to the final consideration of the best course to be pursued, under the existing and actual state of circumstances, the Committee can see no other than to adopt and stand upon the late Resolves of the preceding Legislatures, that is to say, so far as they are not varied and altered, and accordingly required to be modified, by time and other circumstances, connected with the prolonged and pending state of negotiation. They can see no other course, they repeat, than to continue to call still upon the General Government to vindicate and maintain the rights of this State to its indisputable and indefeasible territory, by one of the two modes pointed out by the last Resolves. Gratitude towards that Government for what it has already done toward what it has solemnly promised, affection to our sister States who have come forward so freely and so cordially in our favour, the necessity which disables us from coping single-handed with our real and formidable antagonist, and the Constitution which authorizes and requires us to cast the burden of our defence entirely upon the General Government—all these, combined with the consideration and remembrance of what is equally due to ourselves and mankind, under all these circumstances, direct, if they do not compel, us to this course. We wish we could add, that we had more confidence in the efficacy of the means that have so far been adopted (we will not say those likely to be employed) and used to vindicate and establish those rights. We wish we could see an end to the perpetual course of procrastination, or any immediate prospect of the present negotiation being brought to a decisive or satisfactory termination. The Committee are constrained to say that they cannot. On the contrary, they feel themselves obliged to agree in the opinion of his Excellency the Governor of Massachusetts, in whom they know this State has always a fast friend upon this subject, that they do not see any disposition on the part of the British Government to determine it.

The Committee are concerned to inquire, also, what is to be the state of the Disputed Territory in the mean time, and especially of that portion of it lying northward of the St. John? And what is to be done for its protection, and the intermediate preservation of all the rights of the State to its property and jurisdiction? They inquire in vain. It is clear, that the State can enter into no compact with New Brunswick on the subject, even if the authority

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there had not passed into other hands. Such a thing is impossible. It is forbidden by the Constitution, without the consent of Congress, which is not to be implied, nor even in the view of your Committee, to be desired. If it were proper to listen to any suggestion of that nature, or to any proposition from that quarter, there is no power that can apparently be depended upon (though far from questioning by any means the integrity of the disposition that exists), but there is none in New Brunswick that seems to be competent for the fulfilment of any such compact or assurance. Maine could not come into any agreement, such as was recommended to her, on that point. The objections to it, in her view, are insuperable. Worse than the shackles that might be thus imposed upon her, it might only prove a snare for her, and become an endless source of mischief and regret. She sees not, in any way, how she can go further on this subject, than she has already done by her Resolves of 1839; and that is only in the same earnest desire to come to an amicable adjustment of the whole controversy, to forbear to enforce her jurisdiction in that part of the territory which is now usurped by New Brunswick, so far as she can do so, consistently with the maintenance of her previous Resolves for the protection of the whole territory against trespass and devastation. So far as, under this limited restraint, she is obliged to yield to the continuance of the illegal usurpation at the proper original settlement of Madawaska, so far she supposes she must submit to see the sphere of her own sovereignty circumscribed. But she cannot consent to see the space widened. She cannot allow its being extended to the Fish River, or upon the south bank of the St. John, above the western bend, up to which Maine has at least regained, and made good her ground.

It is still less possible for this State to consent to any change in the character of that possession, from civil, as it was only pretended, to military; and further still, to be content to see that change assume a permanent form; in the first place, the whole district converted into a military depôt, and then to take the more decided character of a military establishment. How long we are to remain in this condition, or how we are to be relieved from it, we cannot say, except by pointing to our past Resolves, and putting our trust in the Government of the Union. All that we can say further, perhaps, at this moment, with propriety, is, that it cannot be submitted to with passiveness, and that it cannot be submitted to, at any rate, much longer. The spirit, the patriotism, the self-respect, the native energy, the irrepressible and indomitable determination of the people of this State, will not endure it. They might sooner wish to see the territory sunk in the ocean, than to be made the scene of a bloody war, above all between the kindred and connected races; but they cannot, silently, see it surrendered to a foreign Power in this manner. They are calumniated by the pretext on which it is challenged. They demand, in advance, the protection of the Federal Constitution. They require that the invading force shall be removed; and if this can only be effected by counter force, they request the Government of the United States, with no more delay, to cause possession of the Disputed Territory to be taken, by the suitable and necessary methods.

But while the State thus makes these strong and urgent demands, it may be justly expected, that it will not, in any respect, or in any event, be wanting to itself. While it earnestly seeks, and wishes, to put itself under the broad shield of the General Government, and pray for the protecting power of the whole country, and solicits to be released from the incumbent duty and present heavy burden of its own defence, and desires to do this without retreating from the ground or relinquishing the stand it has hitherto been obliged to take, and does not ask to be released from its position, it well offers to go as far as any of its sister States have done, and to place its whole powers and resources, without reserve, at the public disposal. We will consent to almost any sacrifice—we will pay any reasonable price for our own peace, and for that of the country; and we are willing to purchase it upon the same terms, as "the tranquillity and safety of a camp are secured by the sufferings and privations of its devoted exterior outguards." Maine feels herself, unavoidably, to be the forlorn hope of the Union. As such she is ready to go forward, and to pursue the path that lies before her. As such she is prepared to occupy the pass to which she may be directed, to present her breast as a bulwark for the country—and of those of her brave and beloved sons, the self-devoted band

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that shall be sent upon this service, to leave the writing upon the soil, in the best blood of the State, to tell the country, and be carried back to the capital, that they lie there in obedience to its laws.

The Committee would now, respectfully, bring the performance of this part of their service to a conclusion, by recommending the following Resolutions.

By order of the Committee,
(Signed) CHARLES S. DAVEIS.

March 30, 1841.

STATE OF MAINE.

Resolves relating to the North-Eastern Boundary.

Resolved, THAT the Legislature sees no occasion to renew the declarations herefore made of the right of this State to the whole of its territory, according to the Treaty of 1783, unjustly drawn into question by Great Britain, (entirely recognized by the unanimous Resolutions of Congress in 1838,) nor to repeat its own former Resolutions on the subject; and it regards with grateful satisfaction, the strong, increasing, and uniform demonstrations, from all parts of the Union, of conviction thereof, and of determination to support the same.

Resolved, That this Legislature adopts and affirms the principles of former Resolves of preceding Legislatures in relation thereto, in all their force and extent; that it approves their spirit, insists on their virtue, adheres to their terms, and holds the National Government bound to fulfil their obligations; that it deprecates any further delay, and cherishes an earnest trust and expectation, that the National Government will not fail, speedily, to cause our just rights, too long neglected, to be vindicated and maintained either by negotiation or by arms.

Resolved, That we truly appreciate the patriotic spirit with which the Federal Government espoused, and our Sister States embraced our cause, and the country came to our side, in a most severe and critical emergency; and that, confiding in their continued sympathy and support, and confirmed in the strength of our course, we feel warranted to rely for safety on the sovereign power of the Union, the people of this State maintaining all their constitutional rights.

Resolved, That in accordance with the generous examples of our sister States, and not to be behind their free-will offerings on our behalf, this State also voluntarily tenders its whole powers and resources, without reserve, to the supreme authorities of the Union, to sustain our national rights and honour; and it stands ready, furthermore, obeying the call and abiding the will of the country, to go forward and occupy that position which belongs and shall be marked out to it; and engages, that it will not be wanting in any act or duty of devotion to the Union, of fidelity to itself, and, above all, to the common cause of our whole country.

Resolved, That this State is suffering the extreme unresisting wrong of British invasion, begun in 1839, repeated in 1840, and continued to this time, in violation of solemn and deliberate pledges from abroad, guaranteed by our own Executive Government; that the President of the United States, therefore, be requested and called upon to fulfil the obligation of the Federal constitution, by causing the immediate removal, or expulsion, of the foreign invading force now stationed within the bounds of Maine; and, other methods failing, to cause military possession to be taken of the Disputed Territory.

Resolved, That the Government of the United States be earnestly invoked to provide for our future protection against foreign aggression, by proper establishments of military force upon the frontier, and by the due exertion of its constitutional powers to liberate and relieve this State from the present heavy burden of its own needful, unavoidable defence.

Resolved, That the Government of the United States is bound to cause the Commission appointed to explore and trace the north-eastern boundary

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line from the north-west angle of Nova Scotia, along those highlands which divide the waters that empty into the River St. Lawrence from those that fall into the Atlantic Ocean, according to the Treaty of 1783, to be prosecuted with the utmost speed, vigour, and certainty, to its definite and absolute conclusion, and that the same should be completed, and the true line run and marked, within the period of the present year.

Resolved, That the Governor be requested to transmit a copy of these Resolves, together with this Report, to the President of the United States; and that similar copies of the same be transmitted to the presiding officers of the two branches of Congress, and to the Executlves of the several States and the presiding officers of the several Legislatures of said States, and to the Senators and Represensatives in Congress of this State and of Massachusetts.

Inclosure 2 in No. 23.

ORDERS AND RESOLUTIONS REFERRED TO THE COMMITTEE.

Resolves to repel British Aggression.

WHEREAS, the State of Maine is now suffering the disgrace of unresisted British invasion, begun in 1839, repeated in 1840, and continued up to this hour, in violation of the most solemn stipulations; and whereas we have no faith in the efficacy of negotiations with a Power which has so repeatedly disregarded its deliberate pledges, and believe that further forbearance on our part to assert the rights and vindicate the honour of our State, will prove as unavailing as it will certainly be humiliating; therefore,

Resolved, That the Governor be authorized to take immediate measures to remove the troops of the Queen of Great Britain, now quartered on the territory, called disputed by the British Government, but by the Treaty of 1783, by the Resolutions of both Houses of Congress passed in 1838, and by repeated Resolves of the Legislature of Maine, clearly and unequivocally a part of the rightful soil of this State.

Resolved, That the resources of this State be, and they hereby are, placed at the disposal of the Governor, and the specific sum of 400,000 dollars be, and the same hereby is, appropriated out of any money in the treasury, for the purpose of carrying said Resolutions into effect.

House of Representatives, February 3, 1841.

These Resolutions (laid upon the table by Mr. Delesdernier,) were read and referred to the Committee on the North-Eastern Boundary.

Sent up for concurrence,

(Signed) GEORGE C. GETCHELL, *Clerk*.

In Senate, February 13, 1841.

The Senate non-concurred the House in its reference of these Resolves, and amended the same as on sheet marked A, and the same were referred to the Committee on the North-Eastern Boundary.

Sent down for concurrence,

(Signed) DANIEL SANBORN, *Secretary*.

A.

Amend, by striking out word *four* in line 3d, of Resolve 2, and insert *ten*.

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House of Representatives, February 15, 1841.

The House receded from its vote of February 3, adopted the amendment proposed by the Senate, and referred the same to the Committee on the North-Eastern Boundary, in concurrence.

(Signed) GEORGE C. GETCHELL, *Clerk.*

Resolve for Repelling Foreign Invasion, and Providing for the Protection of the State.

Be it Resolved, That the President of the United States be requested and urged to cause the immediate removal of the foreign armed rorce by which this State is invaded, stationed upon the upper valley of the St. John, and that the Government of the United States be earnestly invoked to relieve this State from the present heavy, needful burden of its own defence.

In Senate, February 13, 1841.

This Resolve (introduced by Mr. Daveis) was once read, and referred to the Committee on the North-Eastern Boundary.

Sent down for concurrence.

(Signed) DANIEL SANBORN, *Secretary.*

House of Representatives, February 15, 1841.

Read, and referred in concurrence.

(Signed) GEORGE C. GETCHELL, *Clerk.*

Inclosure 3 in No. 23.

INDIANA RESOLUTIONS.

Executive Department, Indianapolis, March 10, 1840.

Sir,

IN compliance with the request of the General Assembly of this State, I have the honour to forward a copy of their Preamble and Joint Resolutions in relation to the North-Eastern Boundary.

Very respectfully,
Your obedient Servant,
(Signed) DAVID WALLACE.

His Excellency the Governor of Maine.

A Preamble and Joint Resolutions in relation to the North-Eastern Boundary.

WHEREAS, the General Assembly of the State of Ohio have adopted and caused to be laid before this General Assembly the following Resolutions, to wit:—" Whereas, by the Declaration of Independence, on the 4th of July, 1776, the United States of America became a sovereign and independent nation, with full power over the territory within her limits; and whereas, at the Treaty of 1783, between the United States of America and Great Britain, the northern and north-eastern boundaries between the two Governments were fairly designated and distinctly described; and whereas the said British Government has since set up claims to a part of the territory of these States, and now lying within the State of Maine; and whereas, the subjects of the British Crown have recently invaded and trespassed upon the territory of the State of Maine, and within the limits of this Confederacy, and destroyed the property belonging to the State. Therefore, be it resolved by the General

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Assembly of the State of Ohio, That we view with united approbation the prompt and energetic action of the authorities of Maine to protect the rights and honour,. not only of their own State, but of the whole Union. Resolved, That the Act of Congress, conferring upon the President of the United States ample power and means to protect this nation from foreign invasion, has our full and most hearty assent. Resolved, That while we highly approve the efforts made by the President of the United States, to avert from this country the calamities of war, and earnestly hope that they may be, as they have been heretofore, successful; yet, should a collision take place between this Government and Great Britain, in the settlement of the pending dispute, Ohio tenders her whole means and resources to the authorities of this Union, in sustaining our rights and honour. Resolved, That the Governor be directed to transmit a copy of the foregoing Preamble and Resolutions to the President of the United States, and to the Governors of the several States."—March 18, 1839.

THEREFORE—

Be it Resolved by the General Assembly of the State of Indiana, That we fully concur in and heartily approve of the above Resolutions of the General Assembly of the State of Ohio.

Resolved, That while we cherish the hope that, in the adjustment of the question of our National Boundary, the integrity of our soil, and the national honour, may be preserved inviolate, without an appeal to arms; yet we will ever prefer honourable war rather than dishonourable peace.

Resolved, That should a collision take place between this Government and Great Britain, in the settlement of the pending dispute, Indiana tenders her whole means and resources to the authorities of the Union, in sustaining our rights and honour.

Resolved, That the Governor be directed to transmit a copy of the foregoing Preamble and Resolutions to the President of the United States, to each of our Senators and Representatives in Congress, and to the Governors of the several States.

(Signed) J. G. READ,
Speaker of the House of Representatives.
DAVID HILLIS,
President of the Senate.

Approved, February 24, 1840,
(Signed) DAVID WALLACE.

Inclosure 4 in No. 23.

ALABAMA RESOLUTIONS.

Executive Department, Tuscaloosa,
January 15, 1841.

Sir,

I HAVE the honour to inclose you Joint Resolutions of the General Assembly of the State of Alabama, responsive to certain resolutions of the State over which you preside, in relation to the North-Eastern Boundary. With perfect respect, I am, your obedient servant,

(Signed) A. P. BAGLEY.

To His Excellency the Governor of Maine.

Joint Resolutions of the General Assembly of the State of Alabama, in response to certain Resolutions of the State of Maine, in relation to the North-Eastern Boundary Question.

BE it Resolved, by the Senate and House of Representatives of the State of Alabama, in General Assembly convened, 1st. That we hold it to be the solemn and imperative duty of the Federal Government, faithfully to maintain

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toward the State of Maine every obligation she is under, touching the establishment of the North-Eastern Boundary Line of said State.

2nd. That said Government is further bound in defence of her own honour, to not concede to Great Britain any claim not strictly founded in right and justice in the matter aforesaid.

3rd. That we sincerely deprecate a resort to force, until every honourable peaceful expedient has been exhausted, in this and in every other like controversy.

4th. That the question of the North-Eastern Boundary concerns the whole Union, and is not one local in its character to the State of Maine, although she is confessedly more interested than any other in its adjustment; and that, for the reason here set forth, it is the duty of the State of Maine to trust the decision of the matter to the councils of the Union, and abide thereby, whatever it may finally be, whether exactly consistent with her own wishes or not. If Congress says go to war, we will cheerfully obey the mandate, but we should deeply regret to see the State of Maine take any rash step, which might tend to plunge her sister States into war, more through mere feeling and sympathy than from deliberate choice and determination on their part.

5th. That the Governor of this State be requested to forward to the Governor of Maine a copy of the foregoing Resolutions as the response of this General Assembly to her Resolutions of the 18th of May [March] last communicated to us by the Governor of this State, agreeably to a request contained in her said Resolutions.

(Signed) J. L. F. COTTRELL,
President Senate.
R. A. BAKER,
Speaker of the House of Representatives.

Inclosure 5 in No. 23.

MARYLAND RESOLUTIONS.

Council Chamber, March 23, 1840.

I HEREWITH present, to your consideration, a Report and Resolutions, from the State of Maryland, in relation to the North-Eastern Boundary.

EDWARD KENT.

To the Senate and House of Representatives.

Resolved, That the Legislature of Maryland entertains a perfect conviction of the justice and validity of the title of the United States, and State of Maine, to the full extent of all the territory in dispute between Great Britain and the United States.

Resolved, That the Legislature of Maryland, looks to the Federal Government with an entire reliance upon its disposition to bring the controversy to an amicable and speedy settlement; but if these efforts should fail, the State of Maryland will cheerfully place herself in the support of the Federal Government, in what will then become its duty to itself and the State of Maine.

Resolved, That after expressing the above opinions, the State of Maryland feels that it has a right to request the State of Maine to contribute, by all the means in its power, towards an amicable settlement of the dispute upon honourable terms.

Resolved, That if the British Government would acknowledge the title of the State of Maine to the territory in dispute, and offer a fair equivalent for the passage through it of a military road, it would be a reasonable mode of adjusting the dispute, and ought to be satisfactory to the State of Maine.

Resolved, That the Governor be and is hereby requested to transmit a

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copy of this Report and these Resolutions to each of the Governors of the several States, and to each of the Senators and Representatives in Congress from the State of Maryland.

Inclosure 6 in No. 23.

MASSACHUSETTS RESOLUTIONS.

Council Chamber, March 27, 1841.

I HAVE received from the Governor of Massachusetts a Report and "Resolves concerning the North-Eastern Boundary," and herewith present them for your consideration.

EDWARD KENT.

To the Senate and House of Representatives.

COMMONWEALTH OF MASSACHUSETTS.—1841.

Resolves concerning the North-Eastern Boundary.

Resolved, unanimously, if the Senate concur, That the right of the United States, and of the State of Maine, to require of Great Britain the literal and immediate execution of the terms of the Second Article of the Treaty of 1783, so far as they relate to the Boundary from the source of the St. Croix River to the north-westernmost head of Connecticut River, remains, after a lapse of more than half a century, unimpaired by the passage of time, or by the interposition of multiplied objections.

Resolved, unanimously, if the Senate concur, That although there is no cause to apprehend any immediate collision between the two nations, on account of the controversy respecting the said Boundary, it is nevertheless most earnestly to be desired that a speedy and effectual termination be put to a difference, which might, even by a remote possibility, produce consequences that humanity would deplore.

Resolved, unanimously, if the Senate concur, That the late Report made to the Government of Great Britain, by their Commissioners of Survey, Messrs. Featherstonhaugh and Mudge, though not to be regarded as having yet received the sanction of that Government, is calculated to produce in every part of the United States, where it is examined, a state of the public mind highly unfavourably to that concilitary temper, and to that mutual confidence in the good intentions of each other, without which it is hopelsss to expect a satisfactory result to controversies between nations.

Resolved, unanimously, if the Senate concur, That the interest and the honour of Massachusetts alike demand a perseverance, not the less determined because it is temperate, in maintaining the rights of Maine; and that we now cheerfully repeat our often-recorded response to her demand that the justice which has been so long withheld should be speedily done to her, and that whilst we extend to her our sympathy for her past wrongs, we again assure her of our unshaken resolution to sustain the territorial rights of the Union.

Resolvep, unanimously, if the Senate concur, That his Excellency the Governor be requested to transmit a copy of these Resolves and the accompanying Report to the Executive of the United States, and of the several States, and to each of the Senators and members of the House of Representatives from Massachusetts, in the Congress of the United States.

House of Representatives, March 11, 1841.—Passed.

GEORGE ASHMAN, *Speaker.*

In Senate, March 12, 1841.—Passed.

DANIEL P. KING, *President.*

March 13, 1841.—Approved.

JOHN DAVIS.

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Commonwealth of Massachusetts,
Secretary's Office, March 17, 1841.

I HEREBY certify that the preceding are true copies of the original Resolves.

JOHN P. BIGELOW, *Secretary of the Commonwealth.*

In Senate, March 27, 1841.

Read, and referred to the North-Eastern Boundary Committee.
Sent down for concurrence.

DANIEL SANBORN, *Secretary.*

House of Representatives, March 29, 1841.

Read, and referred in concurrence.

GEORGE C. GETCHELL, *Clerk.*

STATE OF MAINE.

In Senate, March 30, 1841.

Ordered, That the foregoing Report and Resolves be laid on the table, and 1,000 copies be printed for the use of the Legislature.

[Extract from the Journal.]

ATTEST, DANIEL SANBORN, *Secretary.*

No. 24.

Mr. Fox to Viscount Palmerston.—(Received July 15.)

My Lord, *Washington, June* 27, 1841.

I HAVE recently received several communications from the Governor-General of British North America, and from the Lieutenant-Governor of New Brunswick, upon matters connected with the Disputed Territory, and upon the subject of further apprehended acts of aggression within that territory on the part of the people of Maine. The same intelligence will, no doubt have been already conveyed to Her Majesty's Secretary of State for the Colonies; I shall nevertheless transmit to your Lordship by the ensuing packet, copies of the communications which have been addressed to me.

I have to state, at the same time, that I am now again in negotiation with the United States' Government, upon the subject of an amended arrangement for the provisional custody and occupation of different portions of the Disputed Territory, by a limited force on each side of regular troops, to the exclusion of the irregular armed posse now employed by the State of Maine, upon the principles laid down in your Lordship's several instructions to me of last year. Mr. Webster seems much disposed to entertain rational and moderate views upon all this subject; but I still doubt whether it will be found possible to bring the State Government of Maine to accede to any reasonable agreement. I shall, of course, conclude no provisional arrangement without first obtaining the sanction of the Governor-General.

I have, &c.,
(Signed) H. S. FOX.

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No. 25.

Viscount Palmerston to Mr. Fox.

Sir, *Foreign Office, July* 19, 1841.

I HAVE received and laid before the Queen your despatch of the 27th ultimo, stating that you had recently received several communications from the Governor-General of British North America, and from the Lieutenant-Governor of New Brunswick, upon matters connected with the Disputed Territory, and upon the subject of further apprehended acts of aggression within that territory, on the part of the people of Maine; and also stating that you were then again in negotiation with the United States' Government, upon the subject of an amended arrangement for the provisional custody and occupation of different portions of the Disputed Territory by a limited force, on each side, of regular troops, to the exclusion of the irregular armed posse now employed by the State of Maine.

I have also received from the Colonial Department copies of communications upon these subjects from Sir Charles Colebrooke to the 14th of June, and from Lord Sydenham to the 10th of June.

With reference to the communications which you have had from Lord Sydenham upon these matters, I have to instruct you to represent strongly to the United States' Government, the extreme inconvenience and danger of the present state of things. The armed posse from Maine continues in occupation of a post at the mouth of the Fish River, in the valley of the St. John, which it holds in decided violation of the agreement entered into by Major-General Sir John Harvey and Major-General Scott; and the British Authorities would have been perfectly justified by that agreement in expelling that armed posse by force. But its continuance there can hardly fail to lead to collision, and if this should happen, Her Majesty's Government will certainly not shrink from the duty of asserting the rights of Her Majesty's Crown, and of affording just protection to Her Majesty's subjects.

Her Majesty's Government would, however, most earnestly press upon that of the United States the expediency of causing the civil posse of Maine to be withdrawn entirely from the Disputed Territory, and of letting that territory be provisionally occupied by regular troops of Great Britain and of the United States. The former being posted in the valley of the St. John, and the latter in the valley of the Roostook.

I am, &c.,
(Signed) PALMERSTON.

No. 26.

Viscount Palmerston to Mr. Fox.

Sir, *Foreign Office, August* 24, 1841.

HER Majesty's Government received with very great regret the Second American Counter-Draft of a Convention for determining the Boundary between the United States and the British North American Provinces, which you transmitted to me last autumn in your despatch of the 15th of August, 1840, because that Counter-Draft contained so many inadmissible propositions, that it plainly showed that Her Majesty's Government could entertain no hope of concluding any arrangement on this subject with the Government of Mr. Van Buren, and that there was no use in taking any further steps in the negotiation till the new President should come into power.

Her Majesty's Government had certainly persuaded themselves that the draft which, in pursuance of your instructions, you presented to Mr. Forsyth on the 28th of July, 1840, was so fair in its provisions, and so well calculated to bring the differences between the two Governments, about the boundary, to a just and satisfactory conclusion, that it would have been at once accepted by the Government of the United States, or that if the American Government

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had proposed to make any alterations in it, those alterations would have related merely to matters of detail, and would not have borne upon any essential points of the arrangement; and Her Majesty's Government were the more confirmed in this hope, because almost all the main principles of the arrangement which that draft was intended to carry into execution had, as Her Majesty's Government conceived, been either suggested by, or agreed to, by the United States' Government itself.

But, instead of this, the United States' Government proposed a second Counter-Draft, differing essentially from the draft of Her Majesty's Government, and containing several inadmissible propositions.

In the first place, the United States' Government proposed to substitute for the preamble of the British Draft, a preamble to which Her Majesty's Government cannot possibly agree, because it places the whole question at issue upon a wrong foundation, upon the Treaty of Ghent, instead of upon the Treaty of 1783; and for this reason, besides other objections to the wording of it, Her Majesty's Government cannot consent to the preamble of the last American Draft, but must adhere to the preamble of the last British Draft presented in July, 1840.

The next alteration proposed by the American Counter-Draft, is in Article IInd of that Draft, by which it would be stipulated, that the Commissioners of Survey shall meet, in the first instance, at Boston. To this Her Majesty's Government cannot consent, because Boston is not a convenient place for the purpose, and because their meeting in a town within the United States would in various ways be inconvenient. Her Majesty's Government must, therefore, still press Quebec as the best point to start from, because it is the nearest to the western end of the Disputed Territory—the point at which Her Majesty's Government propose that the operations of the Commissioners shall begin.

In the IIIrd Article of the American Counter-Draft, reference is again made, by a quotation, to the Treaty of Ghent, and to that reference Her Majesty's Government must again object.

In that same IIIrd Article a new method is proposed for determining the point at which the Commissioners shall begin their survey. But Her Majesty's Government are of opinion that there are the strongest reasons for beginning the survey from the head of the Connecticut River. For up to a certain distance eastward from that point, the former Commissioners of the two Governments found highlands which they agreed in considering the highlands of the Treaty; and it is only from a point some way eastward of the head of the Connecticut that the two lines of Boundary claimed by the two Governments respectively begin to diverge. It seems, therefore, natural, that the Commissioners should begin their survey from the head of the Connecticut, and no good reason has been assigned by the United States' Government for not consenting to such an arrangement. It is obvious, moreover, that by starting from the western end of the Disputed Boundary Line, much time may by possibility be saved. For, if it should happen that from the point where the two lines of boundary, claimed by the two Governments respectively, begin to diverge, there should be found, by local examination, only one range of highlands, corresponding with the words of the Treaty, it is manifest that whether that range should be found to trend away in the direction of the line claimed by Great Britain, or should be ascertained to take a course in conformity with the American claim, the Commissioners in either case would, in the outset, find a clue which might guide them in their further researches. Her Majesty's Government, therefore, disagree to this IIIrd Article as proposed by the United States' Government, and again press the IIIrd Article as it stands in the British Draft of July, 1840.

The VIIth Article of the American Counter-Draft proposes that the Commission, which was originally intended as a Commission to explore the country, should become a Commission to examine archives; but those different kinds of duties would in their nature be incompatible with each other. The Commissioners will find that an accurate examination of the country will occupy all their time, and will be a work of intense labour; and to impose upon them besides the duty of searching the public records at Washington and in London, would only impede them in the performance of their proper duties.

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That which the Commissioners are to be appointed to examine is the face of the country, and by comparing the features of the country with the description contained in the Treaty of 1783, they are to mark out the Boundary on the ground. If either Government should think that any documents which may be in its possession can throw light upon any questions to be solved by the Commissioners, it can, of its own accord, lay such documents before the Commission. But Her Majesty's Government cannot possibly agree that such documents, whether they be maps, surveys, or anything else, shall be deemed by the Commissioners to be other than *ex parte* statements, furnished in order to assist the Commission in its own investigations, unless such maps, surveys, or other documents, shall be acknowledged and signed by two Commissioners on each side, as being authentic evidence of the facts upon which they may bear; and Her Majesty's Government must insist upon the stipulation to this effect, which is contained in the British Draft of July, 1840. But the wording of this VIIth Article of the American Counter-Draft is in this respect objectionable, for, under the guise of an engagement that each party shall furnish the other with documents for mutual information, it tends to enable the United States' Government to put upon the records of the Commission, as authentic, any maps, surveys, or documents, which it may think advantageous to the American case, however incorrect such maps, surveys, or other documents, may be.

But of all the propositions made by the American Counter-Draft, none can be more inadmissible than that contained in Article X. For that Article again proposes that Mitchell's Map shall be acknowledged as evidence bearing upon the question to be decided; whereas everybody who has paid any attention to these matters, now knows that Mitchell's Map is full of the grossest inaccuracies as to the longitude and latitude of places; and that it can be admitted as evidence of nothing but of the deep ignorance of the person who framed it. Her Majesty's Government can never agree to this proposal, nor to any modification of it.

To the XVIth and XVIIth Articles of the American Counter-Draft, Her Majesty's Government must decidedly object. The XVIth Article reproduces in another form the association of Maine Commissioners with the Commission of Survey; and to this, in any shape whatever, Her Majesty's Government, for the reasons already assigned, must positively decline to consent.

The XVIIth Article of the American Counter-Draft tends to introduce the State of Maine as a party to the negotiation between the Government of Great Britain and the Government of the United States. But to this, Her Majesty's Government cannot agree. The British Government when negotiating with the United States, negotiates with the Federal Government, and with that Government alone; and the British Government could not enter into negotiation with any of the separate States of which the Union is composed, unless the Union were to be dissolved, and those States were to become distinct and independent communities making peace or war for themselves.

With the Federal Government Her Majesty's Government would be ready and willing to negotiate for a Conventional Line; indeed, the British Government has more than once proposed to the Federal Government to do so; and whenever the Federal Government shall say that it is able and prepared to enter into such a negotiation, Her Majesty's Government will state the arrangement which it may have to propose upon that principle.

Such being the view which Her Majesty's Government take of the Counter-Draft proposed in August of last year by Mr. Forsyth, it only remains for me to instruct you to bring under the consideration of Mr. Webster the Draft which you presented to Mr. Forsyth in July, 1840; and to say, that Her Majesty's Government would wish to consider Mr. Forsyth's Counter-Draft as *non avenu*, rather than to give it a formal and reasoned rejection; and that Her Majesty's Government would prefer replacing the negotiation on the ground on which it stood in July of last year, entertaining as they do an ardent hope that the present Government of the United States may, upon a full and fair consideration of the British Draft, find it to be one calculated to lead to a just determination of the questions at issue between the two Governments. If Mr. Webster should agree to this course, and should approve of the Treaty as it stands in the British Draft of July, you are instructed to propose to him the

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King of Prussia, the King of Sardinia, and the King of Saxony, as the three Sovereigns who should name the three members of the Commission of Arbitration.

It seems desirable to choose Sovereigns who are not likely, from their maritime or commercial interests, to have feelings of jealousy towards either Great Britain or the United States. It is desirable to choose Sovereigns in whose dominions men of science and of intelligence are likely to be found, and it seems to Her Majesty's Government that in both these respects the three Sovereigns above mentioned would be a proper selection. But if Mr. Webster should decline acceding to this course, and should think it necessary that he should receive an official answer to Mr. Forsyth's Counter-Draft, you will then present to him a note drawn up in accordance with the substance of this despatch.

I am, &c.,
(Signed) PALMERSTON.

No. 27.

Mr. Fox to Viscount Palmerston.—(Received August 29.)

(Extract.) *Washington, August* 8, 1841.

IN my despatch of the 27th of June, I had the honour to inform your Lordship that I was once more in negotiation with the United States' Government upon the subject of an amended arrangement for the provisional custody and occupation of the Disputed Territory, by a limited force, on each side, of regular troops, to the exclusion of the irregular armed posse at present employed by the State of Maine.

I have now the honour to inclose the copy of a despatch which I have addressed to the Governor-General of British North America, detailing the progress of the negotiation up to this time, and submitting for his Excellency's consideration the last definite proposal received from the United States' Government, with my own observations upon that proposal.

I further inclose copies of several documents referred to in my despatch to the Governor-General: First, an official letter which I addressed to the late Secretary of State, Mr. Forsyth, on the 17th August of the last year, 1840, containing an informal memerandum of the terms upon which I proposed that an amended arrangement should be concluded: Secondly, an informal memorandum delivered to me by the present Secretary of State, Mr. Webster, on the 9th of June of this pear, being the draft of an official letter which by direction of the President, he proposed to address to me, and upon which he invited me to offer to him my own observations in reply: Thirdly, a memorandum which I accordingly delivered to Mr. Webster, on the 11th of June, containing my observations upon the draft of his letter, and setting forth the views which I believed would be entertained by Her Majesty's Government, and by the Governor-General, upon the matter in negotiation. I have to observe that these last papers are of an informal character, and of course are not to be considered as complete official notes, but only as the materials out of which the official notes, to be hereafter interchanged between Mr. Webster and myself, shall be framed, if the terms of the arrangement can be agreed upon.

As soon as I receive the Governor-General's reply, I shall lose no time in endeavouring to bring the negotiation to a conclusion.

Inclosure 1 in No. 27.

Lord Sydenham to Mr. Fox.

Sir, *Government House, Kingston, July* 13, 1841.

WITH reference to my despatches of the 20th March, 25th June, and 6th October, I would request to be informed whether you have latterly received any communication from the Federal Government respecting the

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proposed convention for regulating the jurisdiction over the Disputed Territory, pending the settlement of the Boundary Question.

As Sir W. Colebrooke reports to me that the people of Maine show every disposition to continue their encroachments on the territory, and as it is impossible for them to do so without an almost certainty of collision between them and the Authorities of New Brunswick, it would be exceedingly desirable, were it possible, to complete such a convention. It is also not improbable that the present Government might be better disposed than Mr. Van Buren's to agree to this measure.

I have, &c.,
(Signed) SYDENHAM.

Inclosure 2 in No. 27.

Mr. Fox to Lord Sydenham.

(Extract) *Washington, July* 27, 1841.

I HAVE the honour to acknowledge the receipt of your Lordship's letter of the 13th instant, referring to the negotiation for regulating the temporary jurisdiction over the Disputed Territory. I have been for some time past in communication with the present Secretary of State, Mr. Webster, upon this subject; and I have now at length received from him a definite proposal which I have to submit to your Lordship's consideration.

But, in the first place, I herewith inclose the copy of a letter (not, I believe, hitherto forwarded to you,) which I addressed to the late Secretary of State, Mr. Forsyth, on the 17th of August of last year, transmitting to him an informal memorandum of the terms upon which I proposed that an amended arrangement should be concluded. The letter and memorandum were framed in conformity with my instructions from the Foreign Office, and with the opinions and wishes expressed in your Lordship's despatches to me upon the same subject, of March and June, 1840. Mr. Forsyth did not return any written answer to my communication, but informed me verbally, that the President did not desire to enter upon any such negotiation at that moment; and so the matter dropped with the last administration.

When I first resumed the subject of the same negotiation with the present Administration, I found Mr. Webster not very desirous of moving in the business, at least not before the main convention for joint survey and arbitration should be concluded between the two Governments. But since he has communicated by correspondence with Maine, and personally with the Maine delegation in Congress, he is become more disposed to enter upon the subject; and he appears to hold more reasonable views on this question than I have been accustomed to meet with from Americans. It seems, besides, that the Government and leading people of Maine are now themselves desirous of withdrawing the armed civil posse from the Disputed Territory, and of replacing it by a force of regular United States' troops, if the change can be effected without the semblance of an abandonment of pretensions on the part of the State.

Mr. Webster delivered to me, on the 9th of June, the inclosed memorandum bearing that date, being the draft of an official letter, which, by direction of the President, he proposed to address to me, and requested to have my observations upon the contents of it. I presented to him in reply the memorandum, also herewith inclosed, dated the 11th of June, in which I fully set forth our views and pretensions. Both these, I have to observe, are informal papers, and are to be considered, not as complete official notes, but only as the materials out of which an interchange of official notes shall hereafter be framed, if the terms can be agreed upon.

Mr. Webster made no further reply to me upon the subject until a few days ago, when he informed me verbally, that he had no objections to offer to the terms of my memorandum, excepting only to my declaration, that if the United States placed a force in Fort Fairfield, at the mouth of the Fish River, Her Majesty's Authorities might probably send a force into that part of the Madawaska settlements which lies to the south of the River St. John's. Upon

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this particular point Mr. Webster very explicitly said, that it would be impossible for the United States to consent to the stationing of a British military force south of the St. John's; and that no terms could be agreed to if we insisted upon that point. He said that a small United States' force will be placed in Fort Fairfield, in lieu of the armed posse, and that we may then, on our part, place any force we please opposite to Fort Fairfield, on the north bank of the St. John's, and anywhere else along the north bank, facing those parts of the Madawaska settlements that lie to the south of the St. John's; and this, Mr. Webster professes to think, will enable us to give the desired moral protection to our Madawaska subjects on both sides of the St. John's, without risk of collision between the troops of the two countries, which risk of collision would, he thinks, be incurred, if a British military force should appear on the south bank of the river.

From all that has passed between Mr. Webster and myself, I do not think we shall be able to obtain better terms than the above, and I am anxious to learn, as soon as possible, your Lordship's opinion and wishes upon the subject. Many advantages will follow from the withdrawal of the lawless and insubordinate civil posse of Maine, and from the full latitude we shall enjoy of making whatever arrangements we please on the north of the St. John's, which is to us, geographically, the most important part of the territory. On the other hand, I am apprehensive that, under the proposed arrangement, attempts will still be made by the State officers of Maine to interfere with the jurisdiction over our Madawaska settlers, south of the St. John's; and I can scarcely see by what means, short of military force, this can be prevented. Mr. Webster declares that the United States' troops shall have orders not to support the civil officers of Maine in any attempt at jurisdiction within our Madawaska settlements; but this, I fear, will not restrain the people of Maine; and we can hardly expect that the United States' troops should actively interfere to suppress the attempts of the civil officers of Maine to exercise their pretended jurisdiction. Upon the whole, this point of the exercise of jurisdiction in the southern portion of the Madawaska settlements is the most embarrassing part of the question; and upon this I particularly solicit your Lordship's opinion for my guidance. I have fully explained to Mr. Webster that I can make no final arrangement without your sanction and approval.

I have desired Mr. Moore to forward these despatches from New York to Kingston by a special messenger, who will wait your Lordship's orders.

Mr. Webster seems very anxious that I should be able te give him a definite reply before the departure from Washington of the Maine delegation at the close of the present extra session of Congress.

I have, &c.,
(Signed) H. S. FOX.

Inclosure 3 in No. 27.

Mr. Fox to Mr. Forsyth.

Sir, *Washington, August* 17, 1840.

WITH reference to the negotiation pending between Her Majesty's Government and the Government of the United States, for the establishment of Commissions of Survey and of Arbitration, with a view to the final settlement of the boundary dispute; and, in consideration of the period which may, probably, elapse between the establishment of those Commissions and the final result of their labours, I am directed to invite the serious attention of the Government of the United States to the expediency of providing beforehand, by some temporary but distinct arrangement, against the danger of local collisions within the Disputed Territory, which might occur during the period referred to.

Her Majesty's Government are of opinion, that such a measure is urgently called for, with a view to prevent the friendly relations between the two

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countries from being interrupted by the indiscreet acts of local authorities, or the attempts of unauthorized and irresponsible parties.

Having already had the honour to communicate to you, at a personal conference, the views of Her Majesty's Government, and of the superior British Colonial Authorities, in relatian to the present subject, I herewith inclose an informal written memorandum of the substance of what I then suggested, requesting that I may be favoured with a knowledge of the opinion and wishes of the President thereupon. If the basis of the proposed agreement shall be approved of, I shall be prepared to submit to your consideration some further points of detail, more especially with regard to the appointment of Commissioners, as referred to in the 3rd clause of the inclosed paper, and to the nature and extent of the duties to be assigned to them.

I avail myself, &c.,
(Signed) H. S. FOX.

MEMORANDUM.

THE fairest terms upon which the proposed arrangement can be concluded, appear to be, that each party shall be placed as nearly as possible in the situation in which they stood, when the agreement between Sir John Harvey and Governor Fairfield, in the spring of 1839, was entered into, care being, however, taken to supply the deficiency which has been found to exist in that agreement, with respect to the then existing limits of possession and jurisdiction, and also to obtain the guarantee of the General Government for the due execution of the conditions. The limits and terms of possession and jurisdiction were understood by the British Authorities to be, "that the civil posse of Maine should retain possession of the valley of the Aroostook, the British denying their right; the British Authorities retaining possession of the valley of the Upper St. John, Maine denying their right." The correctness of this interpretation seems to have been confirmed by General Scott, through whose mediation the arrangement was concluded. The conditions, therefore, to be confirmed in a new agreement will be:—

1st. That whilst the State of Maine retains possession and jurisdiction over the Disputed Territory up to the valley of the Aroostook, that valley included, the British Authorities shall, on their part, retain possession and jurisdiction over the valley of the St. John; and, of course, that the State of Maine shall withdraw from the post taken up in contravention of this arrangement, at Fort Jarvis, on the Fish River.

2ndly. That all movements beyond these limits of armed force on either side, whether of regulars, militia, or armed posse, shall cease, as well as the erection of strong buildings, and the cutting of roads.

3rdly. That Commissioners shall be named by the two Governments to see that the stipulated conditions are duly carried into effect.

Inclosure 4 in No. 27.

Mr. Webster to Mr. Fox.

MEMORANDUM.

ON mentioning to the President the substance of our last conversation, he expressed his satisfaction in learning that you were in daily expectation of receiving communications from your Government respecting the Convention now in progress for a joint commission to settle the Boundary Question. He is anxious that the completion of this Convention, of which he finds not only the basis, but the main particulars already agreed to by the parties, should be hastened as much as possible. It would be very desirable that it should be concluded and submitted to the Senate at its present Session; so that, if ratified, Congress might immediately pass the necessary law for carrying it into effect.

However amicable may be the disposition of the two Governments, a

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question of this kind, while it remains unsettled, keeps alive continual causes of excitement and irritation, creates frequent occasions on the one side or the other, and may give room for interests to spring up, such as may not a little embarrass both Governments hereafter. For these reasons, the President is most earnest in his desire, that, since a Convention for a joint commission is the measure already assented to, the parties may proceed to its completion with all practicable despatch.

This is deemed a fit occasion to recur to the subject of the occupation of the Disputed Territory, during the time which may elapse before the final decision on the title. Complaints have been made on both sides, of infringements of the arrangement entered into in the spring of 1839, between the Governor of Maine and the Lieutenant-Governor of New Brunswick, although happily no actual collision has hitherto occurred. The State of Maine has, to this time, kept up her civil posse, to protect the territory against lawless depredation. But the necessity of maintaining this posse involves the State in considerable expense; and since the principal question is now in a train for settlement, under the authority of this Government and that of Great Britain, the President thinks, that to those Governments, respectively, the entire care of protecting the territory should be confided, who would, of course, cause that duty to be performed by persons acting under their own immediate orders, and directly responsible to them. The President, therefore, proposes to relieve the civil posse of Maine, by placing small detachments of United States' troops in the two positions which portions of that posse now occupy.

The President understands, that occupation of any part of the Disputed Territory, under arrangements heretofore made, or now made, or to be made is not to be regarded, by either party, as giving any new strength to the title or claim of either, or as taking a military possession; but that such occupation is to be understood to have for its objects, as was stated by you in our last conversation, the peace of the borders, and the preservation of the property, for the benefit of whichever of the parties may be found ultimately entitled to it. It is not intended that any detachment of troops, on the part of the United States, shall be placed farther north than the spot now occupied by one part of the posse of Maine, at Fish River; it being understood that the detachments of British troops will be continued in their present position, on the left or north bank of the St. John's River. The distance of these positions from each other, and still more the discipline of the troops, will, it is trusted, prevent danger of collisions; while the positions themselves are so selected that trespasses on any part of the Disputed Territory may be prevented.

A respectful attention has been paid to a suggestion heretofore made by you, that the Authorities of the United States should occupy the valley of the Aroostook, and those of the British Government that of the St. John's. But this would be in some considerable degree indefinite, as it might not be easy to ascertain, without trouble and expense, the highlands which separate those valleys. But if the understanding be, that the British Authorities shall hold the possession of that part of the Disputed Territory which lies north of the St. John's, the United States, in the meanwhile, denying the British right to it; and the Authorities of the United States shall hold possession of the part south of the St. John's; the British Government, in like manner, denying the American right to it,— an arrangement will be accomplished which promises quiet on the border, and the security of the territory against trespasses.

I have great pleasure in communicating to you, thus frankly, the motives which have led the President to relieve the civil posse of Maine, by the substitution of a small detachment of United States' troops, to take its place in the two positions which it now occupies.

June 9, 1841.

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Inclosure 5 in No. 27.

Mr. Fox to Mr. Webster.

MEMORANDUM.

I HAVE no doubt that I shall receive before long the answer of Her Majesty's Government to the last project of Convention, &c., offered by the Government of the United States. I am certain that Her Majesty's Government will use no unnecessary delay; but it is nevertheless very possible that the present short session of Congress may close before the Convention can be concluded; in any case, the Commission to be appointed under the proposed Convention could not now go into operation until the spring or summer of next year, 1842. It is to be hoped no evil will result from this delay; but, if any should, it must be attributed to the unexpected rejection, by the American Government, of the last previous Draft of Convention offered by Her Majesty's Government; which Draft was framed in exact accordance with the terms that were understood to have been already agreed to by the United States.

With respect, in the mean time, to the provisional custody of the different parts of the Disputed Territory, (which forms the other portion of your letter,) Her Majesty's Government at home, and the Colonial Authorities of North America, have long been desirous to amend and place upon a more definite and satisfactory footing the temporary arrangement now subsisting. Her Majesty's Government would not, I believe, be averse from concluding an arrangement, by which the several parts of the territory should be placed provisionally in the custody of British and United States' regular troops, respectively, within specified limits, and to the exclusion altogether of the armed civil posse of Maine now employed. I had several communications with Mr. Forsyth upon this subject, and delivered to him an informal memorandum, dated August 17, 1840, of the terms upon which I should consider myself authorized to assent to the arrangement. But the plan proposed in your letter, although satisfactory in some points, greatly exceeds those terms. I do not believe that Her Majesty's Authorities would consent to the stationing of an United States' force at the post called Fort Jarvis at the mouth of Fish River, Her Majesty's Government considering that that post was established by Maine in direct contravention to all the existing agreements, and in derogation to the authority and jurisdiction which have always been held by Great Britain. Her Majesty's Government expect that the station at the mouth of Fish River shall be relinquished altogether, under any new arrangement that may be agreed upon: and I am under the impression, that if, without the assent of the British Government, an American force should be placed there, Her Majesty's Authorities will find themselves obliged to strengthen considerably the British military force within that part of the Madawaska settlements which lies to the south of the St. John's, for the protection of Her Majesty's subjects there residing; and these movements would occasion much risk of dangerous collision between the forces employed by the two parties.

With respect to the proposal of making the channel of the St. John's the temporary line of demarcation, it no doubt presents, geographically, many advantages; but, politically, it is open to objection, if strictly adopted. The Madawaska settlements, peopled wholly by British subjects, cover both banks of the St. John's for some distance along its course; and I apprehend that no temporary arrangement would be consented to by Great Britain, which excluded any part of those settlements from British jurisdiction and authority; such jurisdiction and authority having never ceased to be exercised there, The presence in any part of those settlements of an American force would occasion conflicts of jurisdiction; and such conflicts, if supported or engaged in by the regular troops of the two parties, would lead to very serious consequences.

I offer you the above informal remarks upon the subjects treated of in your proposed letter to me. I should not feel authorized to reply to your

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proposal definitively and officially, until I have received the opinion of the Governor-General Lord Sydenham, with whom I shall immediately communicate upon the subject.

June 11, 1841.

No. 28.

Mr. Fox to Viscount Palmerston.—(Received August 29.)

My Lord, *Washington, August* 8, 1841.

I HAVE the honour herewith to inclose copies of a series of communications, with their respective inclosures, which I have recently received from his Excellency the Governor-General of British North America, and from the Lieutenant-Governor of New Brunswick, upon various incidental matters connected with the present state of the Disputed Territory. The first part of these communications was referred to in my despatch to your Lordship of the 27th of June; they are now continued up to the 27th of July, which is the date of the last letter that I have received from the Lieutenant-Governor of New Brunswick

I have, &c.,
(Signed) H. S. FOX.

Inclosure 1 in No. 28.

Sir William Colebrooke to Mr. Fox.

Government House, Fredericton,
Sir, *New Brunswick, May* 10, 1841.

I HAVE the honour to inclose, for your Excellency's information, copies of two letters which I have had occasion to address to Lord Sydenham, relating to the prosecution before the magistrates at Madawaska, of a man named Baker and another, who have been convicted of having enticed some soldiers of the 56th Regiment to desert, and also concerning our relations with the Americans of the State of Maine in respect to the Disputed Territory.

I have, &c.,
(Signed) W. M. COLEBROOKE.

Inclosure 2 in No. 28.

Sir W. Colebrooke to Lord Sydenham.

Government House, New Brunswick,
My Lord, *Fredericton, May* 1, 1841.

I HAVE the honour to inform your Lordship that I have this day received a report from Mr. Mc Lauchlan, the Warden of the Disputed Territory, that he had arrested a person named Baker, and three others, with a charge of having enticed several soldiers to desert from the detachment of the 56th Regiment stationed at the Madawaska; that he had brought them before himself and another magistrate, and had fined Baker, on conviction, 20*l.*, who paid the money, and was discharged, though declining, as an American citizen, to acknowledge the jurisdiction.

I have called on Mr. Mc Lauchlan to make me a special report of these

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proceeds, and to repair to Fredericton to afford explanations in a case which gives occasion to reference from the Authorities in Maine, the residence of Baker being near the Fish Rivers.

I have, &c.,
(Signed) W. M. COLEBROOKE.

Inclosure 3 in No. 28.

Sir W. Colebrooke to Lord Sydenham.

Government House,
Fredericton, New Brunswick.

My Lord,

REFERRING to my letter of the 1st instant, I have the honour to inclose to your Lordship, copies of two letters addressed to me by the Warden of the Disputed Territory.

Being in expectation of his arrival with a further report of his proceedings in the case of Baker, I did not enter into the circumstances of the case, in reference to which, so far as I am informed, the conduct of the Warden has been judicious.

It appears that Baker, an American of the United States, is the same person who was brought to trial in the Supreme Court of this province, in the year 1828, and found guilty of sedition in an attempt to subvert the British Authority in the Disputed Territory.

He has continued to reside in the same situation, about seven miles from the block-house erected on Fish River by the Americans, during the last year, and where, I am informed, a small number of persons from the State of Maine are still maintained.

Baker and three other persons residing with him, were arrested by a warrant from Mr. Mc Lauchlan, on the 21st ultimo, and tried on the 25th before himself and another magistrate, on a charge of assisting seven soldiers of the 56th Regiment to desert. He pleaded not guilty, and declined to make any defence, on the ground that, as an American citizen and on American territory he did not acknowledge the jurisdiction of the Court.

Baker and his servant were convicted and discharged on payment of the fine imposed. As the deserters took their route through the American post, it is probable they were assisted by the American posse; and if evidence to this effect had been obtained, it would have been equally the duty of the Warden to have apprehended those persons in the exercise of the undoubted jurisdiction with which he is invested.

It is to this circumstance that I would wish to draw your Lordship's attention.

After the correspondence which took place between His late Majesty's Government and the Government of the United States, in respect to the case of Baker, it is not probable that his complaint of the issue of the present proceedings against him will be attended to by the General Government at Washington, although it may be noticed by the authorities in the State of Maine, from whom he is understood to hold a commission; but if any of the armed posse should be apprehended for an infraction of the laws, it might give rise to renewed excitement, especially if the Warden should have occasion to require the assistance of the troops in support of his authority.

Not anticipating any immediate occurrence of this nature, and expecting shortly to see Mr. Mc Lauchlan, I do not think it necessary to give him any instructions in addition to those of Sir John Harvey, of the 25th of February. It is, however, impossible to answer for the conduct of the people of Maine, who are ready to avail themselves of any opening to advance their pretensions, and to embarrass the British Government during the pending negotiations, which I cannot but hope will be brought to a satisfactory issue in the course of the present summer.

I have, &c.,
(Signed) W. M. G. COLEBROOKE.

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Inclosure 4 in No. 28.

Sir W. Colebrooke to Mr. Fox.

Government House, Fredericton,
New Brunswick, May 15, 1841.

Sir,

IN reference to my letter of the 10th instant, I have the honour to transmit to you the copy of a further communication which I have addressed to Lord Sydenham upon the subject of our relations upon the frontier, and the claims of Her Majesty's subjects in the Madawaska settlement.

I have, &c.,
(Signed) W. M. G. COLEBROOKE.

Inclosure 5 in No. 28.

Sir W. Colebrooke to Lord Sydenham,

My Lord, *Fredericton, New Brunswick, May* 11, 1841.

MR. Mc LAUCHLAN, the Warden of the Disputed Territory, arrived in town yesterday from Madawaska, and has communicated to me the proceedings in the case of Baker and others, referred to in my letter to your Lordship of the 8th instant. From the minutes of the Warden, taken before himself and another magistrate, it appears that Captain Ryan, who is in charge of the American armed posse stationed at the mouth of the Fish River, was present at the house of Baker when the deserters were in it.

The apprehension which I expressed, that the Americans might be implicated in acts which would subject them to the penalties of the law, has been strengthened by the circumstance.

From the report of the Warden, of the 9th of November, on the subject of the town meeting held by the Americans in the settlement, it appears Captain Ryan publicly declared himself to be invested with authority as a magistrate; and Mr. Mc Lauchlan considers that, if required to act in support of his own authority when any of the party might commit acts of aggression, he would be resisted in a manner to render it necessary to require the support of the troops: a proceeding which would doubtless revive the hostility of the people of Maine, and lead to collision with them.

Mr. Mc Lauchlan informs me he has reason to believe that it is intended by them, during this present summer, to run a road to the banks of the St. John, between the Great and Little Falls, and that elections will be held in the settlement, as in the last year. He delays, however, to report officially on the subject, until he has acquired more precise information; but threats have been held out to him that, in the event of his interference with such a proceeding, he would be arrested and sent to Augusta.

It is certain that the land-agent is selling lands in the Restook; that the settlement of the country is in progress by the Americans, and will be accomplished with a rapidity which would render it extremely difficult, if not impracticable, to disturb them.

Although Mr. Mc Lauchlan has of late effectually checked the cutting of timber in the Disputed Territory by the people of the province, he was lately informed by the land-agent, that he was about to grant licenses to the Americans to cut what he called "burnt timber," to which the Warden objected, alleging that it would lead to the burning of the woods and the cutting of the timber, on the plea that it was burnt; and considering that the alleged grounds for the employment of an armed posse in the Disputed Territory, was to prevent the destruction of the timber by Her Majesty's subjects, this proceeding must be regarded as indicating that other views are contemplated in the occupation.

Under all these circumstances, it is important at this time to consider of the measures to be taken for the maintenance of pacific relations between the two countries, pending the negotiations which are in progress.

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In the consideration of the subject, I have referred to your Lordship's letters to Sir John Harvey.

In that of the 23rd of November last, you have stated that your instructions from Her Majesty's Government are not to permit Maine to occupy or possess land to the north of the St. John's, and to maintain in perfect security the communication by the Madawaska, between Fredericton and Quebec, and that whatever is indispensable for the purpose must be done; and in your Lordship's letter of the 4th of July, you distinctly declared, that Her Majesty's subjects on both sides of the St. John's River were entitled to the protection of the troops stationed at the Madawaska.

On the 20th of February, the Warden applied to Sir John Harvey for instructions for his guidance, not having received any instructions subsequent to the arrival of Her Majesty's troops in the settlement; to which Sir John Harvey replied, on the 20th of February, as follows: "That it was not the intention of Her Majesty's Government to relinquish, during the pending negotiations, any part of the jurisdiction over the Madawaska settlements; secondly, that the settlement was considered as extending up the River St. John as far as any inhabitants have been located and established, and would continue to be so considered; and thirdly, that in the event of an American armed posse entering the Madawaska settlement, either above or below the Fish River, it would be the duty of the Warden to put himself in communication with the officer in command of the Queen's troops, who had received instructions for his guidance."

The Warden was directed to apply for special instructions on any occasion which might call for interference out of the line of his ordinary duties as Warden and a magistrate. As the jurisdiction of the Warden had been exercised for so long a time over the whole Disputed Territory, and as it is still exerted in preventing Her Majesty's subjects from cutting timber in it, and as this prevention was the plea on which the American armed posse was first introduced, to limit now the jurisdiction of the Warden to the banks of the Fish River, would risk a renewal of collision of the posse with our lumberers, who, on any relaxed vigilance of the Warden, would probably renew their operations. The temptation is strong, from the fact that the most valuable timber is drawn from the Disputed Territory.

If the Americans should cut the timber, the people of the province would complain of being excluded, but as the whole would necessarily be transported by the St. John's River, where it would be liable to seizure, there is no immediate occasion for interference.

From the position of the armed posse at the confluence of the Fish River and the St. John's, the duties of the Warden in protecting the inhabitants of the Madawaska settlement will require much circumspection. In the erection of their block-house, called Fort Jarvis, they cleared land adjoining the improvement of one of the Madawaska settlers, which he claimed; and if, in opening the projected road, they should further proceed to encroach on the lands of the settlers, much embarrassment would ensue, as I find that, in contemplation of the adjustment of the Boundary, when the question was referred to the King of Holland, the British Government had discontinued granting lands to the settlers, who have, however, continued to colonize on both banks of the St. John's as far as the St. Francis, or sixteen miles higher than the American block-house, the settlement having become populous. Grants of land on both banks appear to have been made to the first settlers in 1786 and subsequently; although the difficulty, under actual circumstances, of defining the boundaries of ungranted lands on the south side of the Fish River may be an obstacle to conferring titles for their occupancies to those who have taken up lands without grants, I anticipate that, without such confirmation, the further encroachment of the Americans may be looked for, and their proceedings in settling the lands on the Restook will fully justify the British Government in securing the interests of their subjects who have so long been settled at the Madawaska, and whose conduct has entitled them to protection. It may be further observed, that by an act passed by the Legislature of this province in 1833, the Madawaska is distinctly recognized as a town or parish of the county of Carleton, and is declared to embrace all that part of the "county which lies to the northward of the towns or parishes (of Perth and Andover) on both

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sides of the River St. John, and to be called known, and distinguished by the name of 'Madawaska.'"

The advance, therefore, of the American armed posse to the St. John's, at the mouth of the Fish River, and which immediately followed the removal of the 11th Regiment, has been extremely embarrassing, and it may be apprehended, will lead to their continued assertion of a right of jurisdiction along the right bank, which the British Government, in justice to its subjects, will be bound to resist.

In the Warden's report of the proceedings at the town meeting, in November last, he noticed the peaceable conduct of the Acadian settlers, who took no part whatever with the Americans; and although their appeal for protection against those proceedings had been delayed to obtain signatures, it manifests the feeling to which the conduct of the Americans has given rise.

It will therefore become a question how far the maintenance of pacific relations on the frontier will be practicable, unless the General Government of the United States may be prepared to co-operate, as before, with Her Majesty's Government in arresting the encroachments of the State of Maine, which are calculated to produce collision; and if this should be impracticable, to employ a body of regular troops to control the irregular force which is not wholly withdrawn, and may at any time be augmented.

The regular troops, if stationed at the Restook, and Her Majesty's troops at the Madawaska, would afford a guarantee for the strict observance of existing engagements between the two Governments pending the negotiations, which does not at present exist, and which could, under no circumstances, be left to depend on the irregular forces of the State of Maine, even if their disposition to encroachment had not been fully manifested.

As soon as the country is open, and the roads are practicable, I propose to proceed to Madawaska, and to inspect the frontier line, when I will again address your Lordship on these important subjects.

I have, &c.,
W. M. G. COLEBROOKE.

Inclosure 6 in No. 28.

Sir W. Colebrooke to Mr. Fox.

Government House,
Fredericton, June 2, 1841.

Sir,

WITH reference to my letter to your Excellency of the 18th ultimo, I do myself the honour of inclosing to you the copy of a further communication which I have this day addressed to Lord Sydenham on the subject of our relations with the Americans on the frontier.

I have, &c.,
(Signed) W. M. G. COLEBROOKE.

Inclosure 7 in No. 28.

Sir W. Colebrooke to Lord Sydenham.

My Lord, *Fredericton, New Brunswick, June 2,* 1841.

I HAVE had the honour to receive your Lordship's letter of the 21st ultimo, marked "Confidential," and, in pursuance of your request, I have given instructions to the Warden of the Disputed Territory, enjoining on him and the other magistrates of the division, the observance of the strictest caution in the exercise of their jurisdiction where the American posse may be concerned.

I inclose a copy of these instructions, referring to those of Sir John Harvey; but I must candidly avow to your Lordship, that in a review of the proceedings since 1838, I can feel no assurance that a collision with them can be

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avoided; and unless the Boundary Question should be soon settled, I apprehend that the people of Maine will again attribute the delay, as they have done on former occasions of excitement, to the British Government, and which is calculated to lead to excesses in a population so little amenable to authority.

I am bound also to observe to your Lordship, that a strong feeling exists not only amongst the Acadian settlers at Madawaska, but generally throughout the province, as to the inefficacy of the concessions made to the Americans, and the undue advantage they have taken of the conciliatory disposition manifested towards them; and I am strongly of opinion, that if the negotiations are likely to be protracted, the employment of the regular troops of both States would be a measure of wise precaution, and probably the only one that would effectually guard against a collision.

I have, &c.,
(Signed) W. M. G. COLEBROOKE.

P.S.—I inclose to your Lordship the extract of a letter from M. Langevin, the Catholic priest at Madawaska, to Sir John Harvey, which may be considered to convey the sentiments of the people with whom he is connected.

(Signed) W. M. G. C.

Extract of a Letter from M. Langevin to Sir John Harvey.

Madawaska, 15 *Juin*, 1841.

QUANT aux affaires politiques, nous vivons tantôt dans l'espérance et tantôt dans la crainte de ce qui va se passer par rapport à la ligne; mais advienne ce que pourra, nous aimons mieux la guerre que de céder un pouce de terrain de Madawaska aux Américains.

Inclosure 8 in No. 28.

Lord Sydenham to Mr. Fox.

Sir, *Government House, Kingston, June* 8, 1841.

I HAVE the honour to transmit to you herewith, the copy of a despatch addressed to me by the Lieutenant-Governor of New Brunswick, on the 11th ultimo, together with a copy of my despatch to him of the 21st May, and an extract of my answer to his present despatch.

I trust that the further information which it was expected to obtain, and in anticipation of which I have hitherto delayed to address you, may show that some mistake exists as to the intentions of the people of Maine. Judging, however, from their former proceedings, it is but too probable that they are truly represented, and I therefore deem it expedient to possess you of these despatches, in order that you may, if possible, avail yourself of an opportunity to draw the attention, unofficially, of the United States' Government to the rumours which prevail of the intentions of Maine. They may perhaps, thus forewarned, be able to arrest such proceedings, should they be really meditated, and avert the necessity of any formal application, which would become indispensable under these circumstances.

They will readily perceive that Great Britain cannot acquiesce in any further encroachments by the State of Maine, or any further interference with Her Majesty's subjects on the banks of the St. John's. If, indeed, the people of Maine are permitted to extend their settlements in the Disputed Territory, as they have hitherto done, the claims of Great Britain will be virtually decided without the intervention of either Government; and against this result we are bound to take effectual precautions.

I have, &c.,
(Signed) SYDENHAM.

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Inclosure 9 in No. 28.

Sir W. Colebrooke to Lord Sydenham.

[See Inclosure 5 in No. 28, p. 146.]

Inclosure 10 in No. 28.

Lord Sydenham to Sir W. Colebrooke.

Sir, *Government House, Montreal, May* 21, 1841.

I HAVE the honour to acknowledge the receipt of your Excellency's despatch of the 8th instant.

My official despatch of the 17th instant will have communicated to you my approval of the course pursued by the Warden of the Disputed Territory, in the case of Baker, to which reference is again made by your Excellency in your present letter. The offence committed by that person could not with propriety be passed over. He had already been made amenable to the laws of the province; and even under the limits assigned under Sir John Harvey's Convention, and maintained by him, there can be no doubt that he and those residing near him, fall under the jurisdiction of Her Majesty. In the event, therefore, of attention being given to any complaint he may prefer to the American Government, which I agree with you, however, in thinking unlikely, our answer is easy and direct.

But the case which you put as one of possible occurrence, namely, that of the implication of any of the American posse at Fish River, in similar offences demanding the exercise of his authority over any one of that body by the Warden in like manner, is one of a different character, and of a very delicate nature.

I entertain the most decided opinion, that the Americans ought never to have been permitted by Sir John Harvey to form that establishment which was in direct and open violation of the Convention made by himself; but it has been suffered, and thus the curious anomaly is presented of an armed posse, in the pay and under the authority of a Foreign State, being stationed within a district over which Her Majesty claims and has exercised jurisdiction. Whilst, therefore, it is true that the authority of the Warden extends, even according to the interpretation above referred to, over the fort at Fish River, it would, in my opinion, be extremely imprudent and unwise to call it in question unless we are prepared to carry it to its full extent, which would really be the removal of the American posse altogether. A case might arise of so grave a character, in the shape of insult or injury to Her Majesty's subjects along the St. John's, as would necessitate interference with this force and justify the collision which must attend it, but every endeavour should be used to avoid it, and certainly the offence contemplated as likely to call for it, is one of the last which would be a sufficient motive for what might be attended with such serious consequences.

I would, therefore, request your Excellency to enjoin the strictest caution on the Warden, with regard to his conduct in this respect, and to direct him in the special case in question to abstain from any interference with the American civil posse. Whilst it is incumbent upon him to afford protection to the inhabitants of the settlements in the event of their being aggrieved, and to prevent the assumption and exercise of jurisdiction over them by any American authority, it is no less desirable, under the peculiar state of the question, carefully to avoid any step which may, without grave cause, renew agitation, or, above all, bring on a collision.

I take the opportunity of informing your Excellency that a portion of the

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troops now at Madawaska will be withdrawn to the barrack at the Dégelée, in conformity with an arrangement desired by the Commander of the Forces, on military grounds.

I have, &c.,
(Signed) SYDENHAM.

Inclosure 11 in No. 28.

Lord Sydenham to Sir W. Colebrooke.

(Extract.) *Kingston, June* 8, 1841.

I HAVE the honour to acknowledge the receipt of your Excellency's despatches of the 11th, 15th, and 27th of May, on the subject of the Disputed Territory, and the proceedings adopted by the Warden for its protection. I had abstained from answering you before, in expectation of receiving the further intelligence, which the concluding sentence of your despatch of the 11th of May led me to expect.

From my despatch of the 21st ultimo, your Excellency will have learned my views in regard to the exercise by the Warden of any authority over that part of the Disputed Territory now in possession of the State of Maine. I still continue to think that every exertion should be made not inconsistent with the national honour and the safety of Her Majesty's subjects, to prevent a collision; but it is impossible to allow the people of Maine to carry out the scheme which you suppose to be in contemplation, without an entire sacrifice of British interests. I trust that the further information which Mr. Mc Lauchlan is seeking, will shew that some mistake exists as to their intentions, if not, I shall immediately, upon receiving your letter and further report, apply to Mr. Fox, with a request that he will at once appeal to the Federal Government to prevent acts on the part of Maine, which are contrary to the existing arrangements between the countries, and which, if persisted in, must inevitably lead to collision. I shall, without waiting for the report, inform that gentleman of the rumours which prevail, in order that he may take an opportunity of bringing them privately before the United States' Authorities, with a view to their prevention.

In the meantime, the instructions which were addressed by the Secretary of State and myself to Sir John Harvey will sufficiently point out to your Excellency the course to be pursued, to protect the inhabitants of the Madawaska settlement, and to keep open the communications between the Lower Provinces and Quebec.

In regard to the cutting timber, the Warden should continue, as heretofore, to prevent any of Her Majesty's subjects from infringing in this way on the existing agreement, and any timber cut by citizens of Maine, should, without fail, be seized on its passage down the St. John's. It would probably be expedient to make known the intention of the British Authorities in this respect, as a means of deterring the American population from any proceeding of the kind.

Inclosure 12 in No. 28.

Sir W. Colebrooke to Mr. Fox.

Sir, *Government House, Fredericton, June* 9, 1841.

I HAVE the honour to inclose to your Excellency, for your information, the copy of a despatch which I have this day addressed to Lord Sydenham, with a communication I have received from the Warden of the Disputed Territory.

I hope that early intimation may be given to me of any military movements which may be intended upon the frontier of this province.

I have, &c.,
(Signed) W. M. G. COLEBROOKE.

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Inclosure 13 in No. 28.

Sir W. Colebrooke to Lord Sydenham.

My Lord, *Fredericton, New Brunswick, June* 9, 1841.

I HAVE received this day a despatch from the Warden of the Disputed Territory of which I inclose to your Lordship a copy, and of my reply to it.

Your Lordship will have been prepared, by my previous communications, for the interference of the Americans with the settlers at the Madawaska, and I regret that a magistrate of this province should have been so far misled as to have entered into the transactions alluded to in complying with the demand of the land agent for the payment of dues on the timber.

I have referred to the Attorney-General on the subject; but it must have been known to the American Agent, that the licence to cut timber in the Disputed Territory could not exempt it from seizure, if attempted to be introduced into this province.

I hope to receive instructions from your Lordship or Her Majesty's Minister at Washington, of any arrangement which may be made respecting the intended employment of troops on the frontier, and of the relief of the armed posse at the Fish River.

I have, &c.,
(Signed) W. M. G. COLEBROOKE.

P.S. I inclose copy of the Attorney-General's Report just received.

Inclosure 14 in No. 28.

Mr. Mc Lauchlan to Sir W. Colebrooke.

May it please your Excellency, *Grand Falls, June* 4, 1841.

PERMISSION having been given by his Excellency the Governor and Council in March last, upon the recommendation of the Surveyor-General, for allowing the settlers of Madawaska, as well as other persons, to haul and take to market any old white pine timber in their possession, by paying a duty of 4*s*. to 5*s*. a ton into the crown-land office; it now appears, by a letter I have received from Mr. Coombs, a magistrate of Madawaska, a copy of which I have the honour to transmit to your Excellency, showing, that he has purchased from the settlers residing on the St. John's, above the block-house occupied by the American armed posse at the entrance of the Fish River, a quantity of timber, about 500 tons, part of which I find old, and part new, and for which he is obliged to pay to the land agent of the State of Maine 5*s*. per ton, previous to his being allowed to remove the same.

I am informed by Mr. Coombs, the indulgence granted by our Government to the settlers of Madawaska was previously allowed by the land-agent of Maine to that portion of the settlement above the Fish River; and further, that permission had not only been given to remove the old timber, but to manufacture new, through the woods where timber had been iujured by fire.

Mr. Coombs has also stated to me, that in a conversation he had a few days ago with the officer in charge at the Fish River, that the civil armed posse was shortly to be removed, and the block-house occupied by a military force; and that no jurisdiction, on the part of the Civil Authorities of Madawaska, would be permitted by the State of Maine beyond the Fish River. I find Mr. Coombs is of opinion, that the instructions recently received by the assessors of county rates from Her Majesty's Attorney-General, for assessing all the property through the settlement, which must include that in possession of the American armed posse, will lead to a collision between the two Governments, as, no doubt, some of the peace-officers, in the execution of their duty, will be arrested and sent on to Houlton or Bangor.

I have, &c.,
(Signed) JAMES A. Mc LAUCHLAN.

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Inclosure 15 in No. 28.

Mr. Coombs to Mr. Mc Lauchlan.

Sir, *Madawaska, May* 31, 1841.

I HEREWITH inclose you a receipt from Captain Rines, Deputy land-agent at Fish River, for 642½ tons of timber, at 5*s*. per ton duty, which was manufactured on lands occupied by, and purchased by me from, the settlers in the vicinity of Fish and St. Francis Rivers, the said timber being principally old timber, and the remainder made of trees partially burnt over whilst clearing land.

I, therefore, beg that you will lay this communication before Her Majesty's Government for consideration, and trust that I may be allowed to carry said timber to market free of any further duty.

I have, &c.,
(Signed) L. R. COOMBS.

Receipt of Captain Rines.

Fish River, May 29, 1841.

RECEIVED of L. R. Coombs 642 dollars and 50 cents in full, for the stumpage of 642½ tons of white pine timber, cut on the public lands in the vicinity of the St. Francis Rivers, by the settlers, viz.:—

	Tons.
Messrs. Johnson and Savage - -	420
Nathaniel Bartlett - - -	50
Dominick and Kendall - - -	111
Augustus Pickard - - -	40
J. H. Ryan - - - -	21½
Total -	642½

(Signed) STOVERT RINES,
Deputy Land-Agent of the State of Maine.

Inclosure 16 in No. 28.

Sir W. Colebrooke to Mr. Mc Lauchlan.

Fredericton, New Brunswick,
Sir, *June* 9, 1841.

I HAVE received your letter of the 4th instant, inclosing to me an application you had received from Mr. Coombs, a magistrate of Madawaska, dated the 30th ultimo, to be allowed to bring to market, free of duty, certain timber for which he had paid the American agent, but which he had purchased from the settlers residing on the St. John's, above the American block-house at the entrance of the Fish River, who had cut it, under permission given by the Lieutenant-Governor in Council in March last. You also inform me that certain instructions, recently received by the assessors of county rates from the Attorney-General, for assessing all property through the settlement, which, as you state, (must include that in possession of the American armed posse,) would lead to a collision between the two Governments.

I have referred to the Attorney-General for his explanation upon the foregoing subjects; but, as I conclude from the date of your letter, that you had not received my instructions of the 2nd instant, I need only refer you to them for your guidance; it being obviously important, that the assessors should not be allowed to interfere in any measure with the Americans at the block-house, by proceeding to assess their property at that place.

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In respect to the application of Mr. Coombs, I cannot at all recognize the transaction between himself and the American land-agent. If the timber is the property of British settlers, it would be admissable only on the terms and conditions of the licence from this Government, and not in virtue of any authority to cut it by the American land-agent; and if obtained otherwise than by authority from hence, it is liable to seizure under the special commission granted to you.

You will not fail to report to me by an express messenger, any occurrence of importance at the Madawaska, giving me immediate intimation of the arrival of any troops at the block-house, and of the relief of the armed posse.

I have, &c.,
(Signed) W. M. G. COLEBROOKE.

Inclosure 17 in No. 28.

Mr. Peters to Sir W. Colebrooke.

May it please your Excellency, *Fredericton, June* 9, 1841.

I HAVE the honour to return the inclosed papers.

With respect to that part of Captain Lauchlan's letter which relates to the timber claimed by Mr. Coombs, and for which he (Mr. Coombs) states he has paid what he calls "stumpage" to the American deputy land-agent, (by which term I understand him to mean, licence to cut the same within the Disputed Territory), it does appear to me that under existing circumstances, the fact that the timber was cut under such licence, must of itself prevent the Government from allowing it to pass; as the doing so would be considered as a sanction to the American claim to the Disputed Territory in question. The occupation of the same by the armed posse, wrongful as it is, was professed to be solely to prevent trespassers, and to save the territory from devastation, until the final settlement of the question in dispute, and not to give them permission to give licences which this Government withholds.

If Mr. Coombs' case had been simply the purchase of timber cut under the order of the Governor and Council in March last, there would be no difficulty; but when, from his own showing, the said timber (or some part at least) was cut by authority of the State of Maine, and beyond what was intended by that order, and which, I presume, is now so intermixed as to prevent a distinct separation, I do not see how it can be allowed to pass free.

I also consider that any of the timber in question, which was not cut under the licence in March last, was illegally cut, and, as such, the right of property therein is not legally vested in the trespasser.

Captain Mc Lauchlan has no power, as Warden of the Disputed Territory, to seize the timber; but he holds a commission under the Great Seal of the province, giving him such an authority.

The communication from the assessors at Madawaska did not state for what purpose the assessment was ordered. It was stated to be for parish rates, and, therefore, I am unable to refer your Excellency to the particular provincial statute. The Court of Sessions have power to assess the inhabitants in different counties, "for money to support the poor, to pay county contingencies, to build jails, and court-houses, and buildings for the safe-keeping of the county records," and, occasionally, for other county purposes; and it would require that I should be furnished with a copy of the assess warrant, before I could point out the particular Act to your Excellency.

I have, &c.,
(Signed) CHARLES J. PETERS,
Attorney-General.

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Inclosure 18 in No. 28.

Sir W. Colebrooke to Mr. Fox.

Sir, *Fredericton, June* 19, 1841.

I HAVE the honour to inclose to your Excellency copy of two despatches I have addressed to the Secretary of State for the Colonies, on the subject of the defence of the frontier and the settlement of the Boundary Question.

I have, &c.,
(Signed) W. M. G. COLEBROOKE.

Inclosure 19 in No. 28.

Sir W. Colebrooke to Lord John Russell.

My Lord, *Fredericton, New Brunswick, June* 14, 1841.

REFERRING to my despatch dated 9th June, I have the honour to report to your Lordship, that on the 10th instant, I proceeded to Woodstock with the object of inspecting the site of the barracks proposed to be erected at that place, and of forming an opinion of the necessity of proceeding with the work.

The township of Woodstock, which is situated on the St. John's River, is the most prominent settlement in that quarter, and the elevated ground selected for the barrack is extremely well chosen for the defence of the position.

After inspecting the ground I proceeded to the frontier line opposite to the American settlement of Houlton.

This settlement, which is increasing rapidly, is distant about ten miles from Woodstock, and a military post has been formed which is occupied by a body of the troops of the United States.

The post is retired about two miles from the frontier, and is overlooked from an eminence within the British territory called Parkes' Hill.

Roads having been opened from Woodstock in various directions, and extending to the frontier, several thriving settlements have been formed; and as a doubt exists whether these settlements may not, in some cases, be found to be beyond the line as recently retraced by the American surveyors, much anxiety prevails; and I regretted to understand, that the feelings of the people on both sides of the border had been, of late, considerably excited.

The British settlers, being aware of the influence which those of the State of Maine are able to exert upon their Government, are not disposed to rely upon the pacific disposition of those in authority; and I confess that I am apprehensive that no adequate security at present exists for the maintenance of tranquillity. I am, therefore, of opinion, that as a measure of precaution as well as of defence, the establishment of a body of regular troops at Woodstock is desirable; by giving confidence and a sense of security to the settlers, it will tend to allay the excitement which at present prevails, and to prevent those movements on the part of the people of Maine, which might disturb the peace of the frontier.

It is not now a question whether the valuable lands within the line should be reclaimed and settled, or left in a wilderness state with a view to defence. The country is now in progress of settlement on both sides of the line, and it appears to me to be of the utmost importance, that while the American population is rapidly augmenting, the settlement of the British territory should not be retarded.

The Assembly having passed a resolution in the last session to enable the Government to purchase the land required for the intended barracks, the tenders have been recently approved in Council; and I beg leave to recommend to your Lordship that the work should be proceeded with, as soon as it may be practicable.

From the various information I have recently received, I am strongly impressed with a conviction that the only practicable means of effecting a

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settlement of the long-pending Question of the Boundary Line, will be for the Government of England and the United States to appoint competent persons to draw a line of mutual convenience which should divide the two countries, leaving to arbitration the various claims to pecuniary compensation arising from the surrender of lands on either side. The settlement of the Americans upon the lands south of the Restook River, would render them extremely reluctant to resign any part of that valuable territory; but I have reason to believe that they would at present agree to a line being drawn from the point where the north line crosses the Restook to the confluence either of the St. Francis, or of the Fish River with the St. John's; by such a line the British settlers on both banks of the St. John's would be protected,—a measure which is very desirable, both in justice to them and in consideration of the moral effect which an abandonment of them would have within the province. It is not necessary that I should inform your Lordship that while the inhabitants of this province entertain a strong feeling against any concession being made to the Americans, those of the neighbouring States of the Union are equally strenuous in their claim to the Territory in dispute, and that their influence might be effectually exerted in defeating the plan of the General Government for the settlement of the boundary on any basis which would involve a renewal of the question of right. By the proposed line the communication with Quebec would also be adequately secured, and a better boundary line secured than that of the river of Woodstock. I found that the Governor of Maine had left the place but a few hours previous to my arrival, having come there in the course of his tour through the new settlements. From Major Ruxton, who has recently arrived at this place from Canada by the way of Boston, I learn that the question is much discussed at the present time by the Americans, and not always in a friendly spirit.

I have, &c.,

(Signed) W. M. G. COLEBROOKE.

Inclosure 20 in No. 28.

Sir W. Colebrooke to Lord John Russell.

My Lord, *Government House, June* 18, 1841.

WITH reference to my despatch, dated June 14, recommending an early settlement of the Boundary Question by drawing a line which might be agreed upon as mutually convenient, I beg to observe that I have not failed to consider the advantages of a line of separation drawn from the due north line at Mars' Hill to the confluence of the St. Francis or Fish River with the St. John's.

Circumstances might at one time have induced the Americans to assent to such a line, and, if now attainable, it would undoubtedly be preferable to the line which I have proposed from the point where the north line intersects the Restook; but the settlement of the lands south of that river by the people of Maine would probably lead them to oppose it, and such opposition would, as I apprehend, effectually prevent the Government of the United States from acceding to it.

The encroachments which have taken place, and the embarrassment they have occasioned, induce me to consider that no time should be lost in effecting such a settlement as may now be practicable, and that would not compromise the just rights of the settlers on both banks of the St. John's River at Madawaska, who have a just claim to the protection of the British Government.

There is another question which has been mooted regarding the navigation of the St. John's by the Americans.

The project alluded to in the Report of the British Consul in Maine, inclosed with your Lordship's despatch of the 27th of May, of cutting a canal to unite the waters of the Allegash with those of the Penobscot, would indicate that the Americans are looking to other means of transporting the lumber to their markets.

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The St. John's would, however, still be the most convenient channel for the valuable timber cut near the Restook; and if any equivalent advantage should be obtained in the settlement of the boundary, I am of opinion that the privilege might be accorded to the Americans of floating their timber down the St. John's, it being understood that the privilege should be strictly limited to that object.

I have, &c.,
(Signed) W. M. G. COLEBROOKE.

Inclosure 21 in No. 28.

Sir W. Colebrooke to Mr. Fox.

Government House, Fredericton,
New Brunswick, June 26, 1841.

Sir,

I DO myself the honour to inclose to you, for your information, the copy of a letter which I have this day addressed to Lord Sydenham on the state of our relations with the Americans on the frontier of this province.

I have, &c.,
(Signed) W. M. G. COLEBROOKE.

Inclosure 22 in No. 28.

Sir W. Colebrooke to Lord Sydenham.

Fredericton, N.B., June 25, 1841.

My Lord,

ON the 23rd instant I had the honour to receive your Lordship's letter, dated Kingston, the 8th instant, and by the same opportunity I received one from Mr. Mc Lauchlan, dated Madawaska, the 19th.

Since the dates of my letters now acknowledged by your Lordship, I have successively addressed you on the 2nd, 9th, and 19th instant, and the communications of the Warden, which I herewith inclose, will put your Lordship in possession of the present state of affairs upon the frontier.

When I wrote to your Lordship on the 11th of May, it was my intention to have proceeded at an early period to Madawaska; but on further consideration I was induced to postpone that intention, unless circumstancs should occur to render it necessary; and I am of opinion that in the existing circumstances of our relations with the Americans, my presence could only have the effect of bringing on questions with the inhabitants, for the solution of which I was unprepared.

Your Lordship is aware that I considered it my first duty, in assuming charge of this Government, to make myself acquainted with the correspondence which has been held by my predecessor with your Lordship, and with Her Majesty's Government, on this intricate and important subject.

I took occasion to bring under your consideration the difficulties resulting from the position which the Americans had been permitted to assume; and from the responsibility devolving on me in the protection of Her Majesty's subjects and the administration of the laws, I expressed an apprehension that collisions could not be avoided without the adoption of timely measures of precaution by the Supreme Authorities.

It was my object to impress on your Lordship that my responsibility in reference to the question of the Boundary arose from the exercise of the jurisdiction of this province over the Disputed Territory, and more especially over the Madawaska settlement; and that the American posse having placed themselves at the Fish River within that jurisdiction, and in fact assumed it over the territory above their post, rendered it impracticable for the Warden and the other magistrates to exercise an authortty in that quarter without

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collision. In point of fact, referring to the letter of the Governor of Maine to Sir John Harvey, of the 15th of December, 1840, it is quite evident that he distinctly claimed and asserted his intention to maintain that jurisdiction; and although, in conformity to your Lordship's instructions, Sir John Harvey informed the Warden, that "the inhabitants on both banks of the Madawaska were to be protected," he did not disclaim the pretensions of the Americans in respect to the settlement above the Fish River; and that the Warden has never felt himself authorized to do any act in that quarter which would, as he was aware, revive the question, or induce a collision.

On a recent occasion of the annual assemblage of the militia, the Acadian and English settlers from the Upper Madawaska turned out, whilst the French and American settlers disregarded the summons,—a result which is the natural consequence of a disputed jurisdiction; and I concur with Mr. Mc Lauchlan in opinion, that an attempt to levy the county rate in that quarter, while it would be resisted by some, would bring on a collision with the authorities of the State of Maine.

To be assured of this, it may be sufficient to refer to the letter of the Governor of Maine above-mentioned, and to the report of their Legislature in the month of March last, wherein it is stated, that "the territory contiguous to the mouth of the Fish River, on both sides of the St. John's, is not considered in any proper sense as included in the Madawaska settlement, which is confined to the immediate vicinity of that river, and does not extend even to the mouth of the Merumpticook; and although obliged to yield to the continuance of the illegal occupation at the proper original settlement of the Madawaska, they cannot allow its being extended to the Fish River, or upon the south bank of the St. John's, above the western bend, up to which Maine has at least regained and made good her ground."

By this assumption, so far as it has been partially acquiesced in, the interests of some of Her Majesty's subjects are involved, in the same manner that occurred in the case of the British settlers on the Restook in 1839.

By the separate proceedings of the British and American surveyors, the questions at issue have only hitherto been further complicated; and by the recent connexion of the north line by the American surveyors, the granted lands of several British settlers which were considered to be within that line, are now declared to be excluded.

I adduce these facts, in order to exemplify to your Lordship the consequences of delay in the definitive settlement of the Boundary by the two Governments; and important as may be the question as to the preservation of a line of communication between the British provinces, it is even more important as affecting the rights of Her Majesty's subjects, who claim the protection of the laws; for it must be obvious that the consequences which would result either from the enforcement of the laws, or from their suspension, where the jurisdiction may be disputed, are alike serious.

It is, therefore, that I would earnestly impress on your Lordship, that if the territorial claims of the two countries canuot be definitively adjusted, a convenient line should be drawn, which would at least define the extent of the jurisdiction of the respective Governments.

By the Report of the Legislature of Maine, above referred to, it would appear that the temporary arrangement of 1839, in itself imperfect, was never fully recognized in that State; and that the reservation of the Governor of Maine, in his agreement of the 25th of March, 1839, coupled with the declaration of that Legislature in the present year, has practically superseded it.

This would undoubtedly be quoted in the event of any complaint of the infraction of the agreement by the Americans. I cannot doubt that the two Governments must be conscious of the danger of leaving an intermediate territory subject to a disputed jurisdiction, and the subjects of both under doubtful allegiance to either, the effect of which could only be to induce the settlement of such territory, which is too inviting to be neglected, by outlaws from both countries, instead of the more respectable inhabitants of each, leading to border aggressions and to collisions which might involve the nations in hostilities.

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When the jurisdiction is defined, the course would be to enforce the laws of either country within the respective limits, and to demand the restoration of offenders who may take refuge beyond them; a course from which both parties are withheld where the civil jurisdiction is in dispute, from the risk of recognizing a right or producing a collision.

There is another subject connected with the question, to which it is necessary that I should advert.

In 1839, measures were taken to prevent the cutting of timber in the Disputed Territory, and an act was passed under which the Warden was commissioned to seize any such timber which might be cut by British subjects. The American posse was also stationed there with the same ostensible object. Applications were subsequently made to the Government for the admission of timber which had been previously cut in 1838 and 1839, which was allowed; and a limited permission was also granted to the settlers at the Madawaska to cut timber in the lands occupied by them. Under these regulations, large quantities of timber were introduced in 1839 and 1840, bonds being taken for a duty of 4*s*. per ton upon it. My letter of the 9th instant will have apprized your Lordship that the American land-agent had levied a duty of 5*s*. per ton upon timber so cut at Madawaska; and from a subsequent application made to me, I have reason to believe that a similar duty has been levied upon all the timber introduced, on the alleged ground that it was cut in the winter of 1838 and 1839.

Mr. Mc Lauchlan is of opinion, that the quantity of timber from the Disputed Territory, now floating to St. John's, amounts to 10,000 tons; and as there is no practicable means of distinguishing timber cut in those years, and subsequently, it is obvious that the restriction imposed on the cutting of the timber is practically evaded by the Americans, who derive a large revenue from it. Mr. Mc Lauchlan adds, that he has no reason to think that the English lumberers have been engaged in these operations.

I have no doubt that the great demand for this timber at St. John's, and the apparent hardship of excluding that which had already been cut, led to the regulation; and as the timber has been purchased by persons within the province, it will be necessary that notice should be given of the enforcement of the restriction.

I have appointed the Council to assemble on Monday, the 28th instant, when the necessary measures will be taken.

The effect of excluding the timber will, I hope, lead the Americans to seek an early adjustment of the questions at issue; and if the claims to the respective portions of the territory were settled, or even a line defining the jurisdiction, I should see no objection to the readmission of the timber, on payment of a moderate duty, it being understood that the subjects of either Government should have permission to cut timber within their respective limits.

Till the regulations can be rescinded in Council, and a proclamation issued, I have required, in justice to our lumberers who have cut timber in the provinces subject to duty, that bond for the whole amount of the duties should be taken, without regard to the charges imposed by the Americans, and a declaration from the owners that the timber was cut in 1838 and 1839, previous to the agreement of the 25th of March. It may be proper to remark, that it had been the practice till then, to levy equal duties on the timber cut in the Disputed Territory and within the province, and to carry the amount of the former, when recovered on the bonds, to the account of a separate fund hereafter to be rendered when the Boundary Question should be settled.

The restriction on the importation of timber will be inconvenient to the merchants, but its admission is unjust to the British lumberers, and impolitic pending the negotiations.

It only remains for me to add to these lengthened details, that I will endeavour, as far as possible in the execution of the trust confided to me, to guard against collisions on the one hand, and the compromise of the rights of Her Majesty's subjects on the other.

In doing this, I am unable to foresee the occasions which may require that I should act, or abstain from acting. Your Lordship has observed, that the settlement of the Americans at the Fish River ought not to have been admitted, but that, under existing circumstances, it would not be advisable to

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disturb them. There can be no doubt that, according to the laws of this province, they are legally within its jurisdiction, and that they are claiming, with the full sanction of their own Legislature, a jurisdiction over part of the district to which our authority has extended.

The land-agents of Maine and Massachusetts, I am informed, have been recently there to regulate the distribution of the charge of their establishments, those States having equal claims on the territory they may acquire, the value of each alternate township on the Restook being accounted for by Maine to Massachusetts.

The co-operation of those States, and indeed of others, is also apparent from the tenor of their Legislative Reports and Resolutions in the present year.

I have, &c.,
(Signed) W. M. G. COLEBROOKE.

Inclosure 23 in No. 28.

Mr. Mc Lauchlan to Mr. Reade.

Entrance of the Grand River Madawaska,
Sir, *June* 11, 1841, *Friday*, 11 *o'clock*, A.M.

I HAVE just had the honour to receive by express his Excellency the Lieutenant-Governor's despatch of the 9th instant, and I avail myself of the return of the person to Woodstock, to state to you, for the information of his Excellency, that I shall immediately communicate with the assessors of county rates, and desire them on no account to interfere with the American armed posse at the Fish River in their assessment of the parish of Madawaska, which takes place some time this month. With respect to the further instructions of his Excellency, I have only to say, that I shall strictly act up to them in every respect.

I have, &c.,
(Signed) J. A. Mc LAUCHLAN,
Warden.

P.S.—Your two letters bearing date the 2nd instant I had the honour to receive the 8th instant.

Inclosure 24 in No. 28.

Mr. Mc Lauchlan to Sir W. Colebrooke.

May it please your Excellency, *Madawaska, June* 19, 1841.

WITH reference to my communication to your Excellency of the 4th instant, I have again the honour of renewing that subject, and which I am induced to do from the circumstance of the reports that have reached me touching the probable result, should an assessment be made in the Madawaska settlement above the entrance of the Fish River.

In my letter to your Excellency's Private Secretary, of the 15th instant, I stated, for your Excellency's information, that the land-agent for the State of Maine and Massachusetts had passed through the settlement to that post at the Fish River, and where it now appears they were apprized of the intention of the Provincial Authorities to assess the inhabitants on the River St. John above the Fish River. This, I am informed, called forth their disapprobation, as well as a remark, that should the British Government attempt to exer-

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cise jurisdiction above their block-house, it would not only be resisted, but a military force sent to occupy that section of the country.

I have therefore thought it advisable to address the assessors on the subject, a copy of which I beg to transmit to your Excellency; and as Her Majesty's Attorney-General requires my attendance at the Supreme Court at Fredericton next week, I shall then have the honour of bringing the subject again personally before your Excellency. But, in the mean time, I have to acquaint your Excellency that no assessment will be made in the settlement until the pleasure of your Excellency be known.

I have, &c.,
(Signed) J. A. Mc LAUCHLAN.

Inclosure 25 in No. 28.

Mr. Mc Lauchlan to the Assessors of Madawaska County and Parish Rates.

Gentlemen, *Madawaska, June* 19, 1841.

SINCE addressing you by desire of his Excellency the Lieutenant-Governor, on the 11th instant, circumstances have transpired which induce me to believe, should any assessment be made by you on the inhabitants of Madawaska residing above the American armed posse at the Fish River, must lead to a serious misunderstanding between Her Majesty's Government and that of the United States.

I have therefore to request that you will, for the present, defer making any assessments in that part of the settlement, until I am again afforded an opportunity of bringing the subject under the consideration of his Excellency.

I have, &c.,
(Signed) J. A. Mc LAUCHLAN,
Warden of the Disputed Territory.

No. 29.

Mr. Fox to Viscount Palmerston.—(Received August 29.)

My Lord, *Washington, August* 11, 1841.

SINCE writing my despatch of the 8th instant, I have received the inclosed despatch from Lord Sydenham, in reply to the communication which I had addressed to his Excellency upon the present state of the negotiation for regulating the provisional custody and occupation of the Disputed Territory.

I have, &c.,
(Signed) H. S. FOX.

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Inclosure in No. 29.

Lord Sydenham to Mr. Fox.

Government House, Kingston,
August 3, 1841.

(Extract.)

MR. MOORE transmitted to me yesterday, by a special messenger, your despatch of the 27th of July.

I hear with pleasure that the Government of the United States have at length resumed the consideration of the best means for maintaining tranquillity and preventing further encroachments in the Disputed Territory pending the adjustment of the question of sovereignty, and that the propriety of effecting that object, through a force under the control of, and responsible to, the Central Government on either side, to the exclusion of the civil posse, has been admitted by the Secretary of State.

But the satisfaction which I should otherwise feel, is greatly diminished by the statement of the terms upon which, as it appears from your despatch, and from the projet of a note inclosed in it, Mr. Webster proposes to effect such an arrangement, which are such as I should neither feel authorized by my instructions to sanction, nor indeed could recommend Her Majesty's Government to agree to.

Mr. Webster's proposal goes not merely to the retention by the United States of the block-house at the mouth of the Fish River, and the establishment there of a military force in the place of the civil posse at present in occupation of that post, but to confine the occupation of the Territory in dispute by Her Majesty's forces to the north bank of the St. John's, thereby virtually excluding them from affording protection, if required, to Her Majesty's subjects on the south bank of that river, on which, as you have justly stated, a large population is extended, whose claims for such protection could not be overlooked or neglected.

Such a proposition I consider wholly inadmissible. The Madawaska settlement, as you are aware, extends along both banks of the river; and it would be impossible to refuse to Her Majesty's subjects, whether resident on the one or the other bank, that protection to which they are justly entitled, or to abandon that jurisdiction which has been uninterruptedly exercised ever since Canada became part of the British Empire.

The troops are, it is true, now stationed on the north bank of the river, and will probably remain so; but the moral protection which Mr. Webster professes to think would still be afforded by their presence there, would undoubtedly fail, if such an arrangement, which is one adopted at present purely with a view to the convenience of lodging the troops, were made obligatory, and it could be inferred that they were debarred from that active interposition which they are now directed to afford, in case of need, to the inhabitants resident on the one bank as well as on the other. No security whatever could be given, that any attempted exercise of jurisdiction by the State of Maine within that settlement on the south bank of the river, against which we have always protested, and which Her Majesty's civil servants have been instructed to resist by force, if necessary, would be prevented; and it is most improbable that such would be the case, if the duty of prevention were abandoned to the United States' Authorities, however well disposed they might be to perform it.

If, therefore, this condition be considered indispensable by Mr. Webster, an arrangement becomes quite impossible; and I must also add, that the pretension on his part appears perfectly unjustifiable, for it exceeds any which has hitherto been seriously advanced, even by the State of Maine itself.

The arrangement made between Sir John Harvey and the Government of Maine, and confirmed by General Scott, as is correctly stated in the draft of your note, which you have been good enough to transmit, limited the temporary jurisdiction of each party, on the one side, to the valley of the Restook, and on the other, to that of the St. John's; and although the block-house at the mouth of the Fish River was most improperly, and in direct

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violation of that contract, erected by the Maine Authorities, it was contended that the Madawaska settlements did not extend to that point; and that circumstance was, to a certain degree, alleged in justification of the establishment of that post.

Whilst, therefore, I remain persuaded of the importance of arriving at an arrangement with the United States' Government, which shall remove the custody of this territory from the interference of the Government of Maine, I see no possibility of admitting this new condition; and if it be insisted on, I have no alternative, unless otherwise instructed by Her Majesty's Government, than to take such measures as may appear necessary to check any further encroachments on the part of Maine, even at the hazard of collision.

That object, however, is of so much consequence, that if this difficulty can be removed, and Mr. Webster is disposed to treat upon another basis, I am of opinion that we may depart, in some degree, from the terms which were stated in my despatch of the 25th of June, 1840, and which are in accordance with Sir John Harvey's agreement, namely: the valley of the St. John's on the one hand, and that of the Restook on the other; and I should be disposed to agree to the occupation of Fort Jarvis by the troops of the United States, confiding to them the exercise of jurisdiction over the southern bank of the river above the Fish River, but leaving to us that below its mouth.

No. 30.

Viscount Palmerston to Mr. Fox.

Sir, *Foreign Office, August* 31, 1841.

I HAVE to acknowledge the receipt of your despatches of the 8th and 11th instant, inclosing copies of your correspondence with Lord Sydenham, and of the papers therein referred to, relative to the present state of your negotiation with the Government of the United States, for regulating the provisional custody and occupation of the Disputed Territory.

I have to state to you, in reply thereto, that Her Majesty's Government concur in opinion with Lord Sydenham, that it would not be right or safe to agree to any arrangement which should preclude Her Majesty's troops from moving, if necessary, into that part of the valley of the St. John which lies south of the river; but Her Majesty's Government are of opinion, that it would be highly inexpedient to consent to an arrangement by which United States' troops should be permitted, with the consent of the British Government, to occupy any position in the valley of the St. John. The agreement made between Sir John Harvey and General Scott is perfectly clear, and is as fair as it is clear; and you are instructed to adhere to that arrangement, which leaves the Americans in occupation of the valley of the Aroostook, and the British in occupation of the valley of the St. John. If this basis of arrangement were once agreed to, no difficulty could be experienced in defining the boundary between those two valleys sufficiently for the purpose.

I am, &c.,

(Signed) PALMERSTON.

No. 31.

Mr. Fox to Viscount Palmerston.—(Received October 1.)

(Extract.) *Washington, September* 12, 1841.

IN my despatches of August the 8th and of August the 11th, I had the honour to forward to your Lordship copies of various correspondence between the Governor-General of British North America and myself, and between the United States' Government and myself, upon the subject of a proposed amended arrangement for the provisional custody and occupation of the Disputed Territory, by a limited force, on both sides, of regular troops, to the exclusion of the armed civil posse of the State of Maine.

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I have not found it possible to conclude any satisfactory agreement with the United States' Government upon the general provisions, taken together, of the amended arrangement desired by Her Majesty's Authorities. The only measure at present adopted by the United States' Government, will be the substitution of two companies of United States' regular troops, in the place of the armed civil posse of the State of Maine, at the two posts occupied by the Americans in the Disputed Territory. I consider that this change will be of great advantage, both with a view to the preservation of peace on the border for the present, and with a view also to the safe and prompt delivery of the territory, if the British title thereto shall be eventually established. At the same time I have stated to Mr. Webster, in my official letter herewith inclosed, dated the 6th instant, that I am not prepared to say what view Her Majesty's Government will take of the movement of the United States' troops, adopted, as it now is, as a separate measure, without reference to those other provisions, of an amended arrangement, which were proposed by the British Government, and without reference, either, to the well-grounded and reiterated remonstrances of Her Majesty's Authorities against the establishment of the American post called Fort Jarvis, at the mouth of Fish River.

I had reason to complain of the conduct of the American Government in prematurely ordering the two companies of regular troops to be moved into the Disputed Territory, pending the negotiation of the other parts of the proposed arrangement. Mr. Webster, it will be seen, has given some explanation of the matter in his letter to me, herewith inclosed, of the 4th instant. I am persuaded that the equivocal conduct of the Government in this particular has not been owing to intentional bad faith, but to the state of discord and disorganization of the public departments at Washington during the present political and ministerial crisis.

I learn from reports in the newspapers, that the two companies of United States' troops, appointed to occupy the posts on the Aroostook and at Fish River, left the American station of Houlton, in Maine, for their new destination on the 31st of last month. The orders, therefore, which, in consequence of my communications with Mr. Webster, were dispatched from hence on the 2nd instant, to suspend the movement, will, as I apprehended, have arrived too late.

I should be in daily expectation of receiving further communications from Lord Sydenham upon the subjects treated of in this despatch, if it were not for the very severe accident which I lament to hear his Lordship has suffered by a fall from his horse.

Inclosure 1 in No. 31.

Mr. Webster to Mr. Fox.

Department of State, Washington, September 4, 1841.

Sir,

I HAVE laid before the President the communication which you did me the honour to place in my hands a few days since. He directs me to say to you that he thinks there must be some misapprehension on the part of Lord Sydenham, as to the motives which have led him to comply with the wishes of the State of Maine, to relieve its civil posse by small detachments of United States' troops.

The Government of the United States entertains the opinion that the Disputed Territory, during the time which may elapse before the final settlement of the title, should be protected from trespass and depredation by the Authorities of the Governments of the United States and Great Britain; in this opinion it appears that Her Majesty's Government entirely concur. The facts which the President found to be actually existing were, that the State of Maine was maintaining a civil posse at the mouth of the Aroostook, and another at the mouth of Fish River. The British Government had certainly complained of the establishment of this last-mentioned posse, as being contrary to the agreement entered into between the Governor of Maine and Sir John Harvey in the spring of 1839, and, on the other hand, the Government of

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Maine complained, not less loudly, of infractions of the same agreement by the British Authorities, especially in the augmentation of their military force on the north side of the St. John's. As the whole matter related to a subject which would be but of temporary, and, as it was to be hoped, of short duration, the President thought that instead of discussing further the grounds of those mutual complaints, it would be for the benefit of all parties, that the civil posse of Maine should be withdrawn, and their places supplied by troops of the United States. In the beginning of July, as you will remember, I made an informal communication of these views to you, not, as Lord Sydenham seems to suppose, for the purpose of entering upon a formal negotiation for a convention on the subject, but for that of stating frankly, and in the most friendly manner, the President's opinion as to what was the best mode to be adopted by him, and suggesting to the British Government what occurred to him as worthy of its consideration as measures having the same general end.

You expressed the opinion that the British Government in Canada might see objections to a part of what the President proposed to do; but under the impression that both parties were agreed in the expediency of substituting as soon as possible, a regular force for the armed posse now in possession; and considering the advanced state of the season, it was thought necessary, at the Department of War, not to delay the movement of the two companies. There was no purpose in this, of acting suddenly or prematurely, or during the pendency of any negotiations upon the subject. For, as I have already stated, my informal communication to you was not intended as the commencement of a regular negotiation, but only as friendly information of the steps which the President thought proper to take, and a suggestion of what might be considered as proper on the side of the British Authorities as concurrent measures. It may be proper to observe here, that orders were given from the War Department for one of the field officers at Houlton to proceed with those companies; and as he would naturally meet with the commanders of the British posts, to explain to them, so far as necessary, the object of the movement.

The main fear expressed by Lord Sydenham appears to be, that part of the Madawaska Settlement which lies south of the St. John's, might be in danger by this occupation of the post at the mouth of the Fish River. When, in the communication already referred to, I suggested the propriety of confining the British forces to the north side of the St. John's, it was not intended to affect, in any degree, the question of the extent of the Madawaska Settlements, or the exercise of British jurisdiction, wherever heretofore that jurisdiction had been habitually exercised. The river was mentioned as a natural boundary which could not be mistaken, and proper, therefore, as the line between the posts of the respective Governments. It might have been added, that although neither Government accepted the award of the King of the Netherlands, yet the boundary recommended by him might be worthy of regard as a limit of the temporary possession held by the two Governments.

It is presumed not to be the purpose of either party to extend its jurisdiction over parts of the Disputed Territory where it has not heretofore actually existed. The officers commanding the United States' detachments will have orders to confine themselves to the objects which alone the Government has in view in placing them at their posts, and not to take upon themselves to interfere in any question of civil jurisdiction whatever. It is to be hoped that the observance of strict discipline by the troops on both sides, and a spirit of moderation and forbearance among the people along the frontier, will relieve both Governments from the difficulties and dangers on the subject of the temporary occupation of the Territory in dispute.

I have, &c.,

(Signed) DANIEL WEBSTER.

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Inclosure 2 in No. 31.

Mr. Fox to Mr. Webster.

Sir, *Washington, September* 6, 1841.

I HAVE the honour to acknowledge the receipt of your letter of the 4th instant, upon the subject of the movement of two companies of United States' regular troops to certain posts in the Disputed Territory, in the place of the armed civil posse of the State of Maine now stationed there.

I shall lose no time in forwarding your communication to Her Majesty's Government in England, and to his Excellency the Governor-General of British North America.

Her Majesty's Authorities, I am persuaded, will concur with me in duly appreciating the friendly intentions of the President, as well as the conciliatory form in which you have conveyed to me his views and your own upon this occasion. I am likewise sensible of the advantages that may be expected to result from the employment, upon the service in question, of a detachment of regular troops, responsible to the General Government alone, instead of an irregular armed force under the orders of a State Government, of whose conduct Her Majesty's Authorities have had the strongest reason to complain. The change will, it is to be hoped, conduce to the maintenance of peace upon the border for the present, and will also eventually secure the safe and prompt delivery of the territory to whichever party shall establish its rightful title thereto.

At the same time, I am not prepared to say what view Her Majesty's Government will take of this movement of the United States' troops adopted as a separate measure, without reference to those other provisions of an amended arrangement for the provisional custody and occupation of the Disputed Territory, which, in pursuance of my instructions, I had proposed to the United States' Government, in communications heretofore addressed both to Mr. Forsyth and to yourself,—and without reference, either, to the well-grounded and reiterated remonstrances of the British Authorities against the establishment of the American post at Fish River.

With regard to the suggestion of adopting the channel of the River St. John as a temporary boundary between the two parties, I must at once state, that Her Majesty's Authorities can, under no circumstances, consent to relinquish the exercise of British jurisdiction through the Madawaska settlements, which extend along the south bank, as well as along the north bank of the St. John's; and that the right will be reserved of provisionally stationing a force of British troops in any part of those settlements, either south or north of the St. John's, where it may be found necessary for the due protection of the inhabitants. There seems no reason, however, to fear that this should lead to collision between the troops of the two nations, if the orders which you inform me are to be furnished to the United States' Commanding Officers, are, as I have no doubt they will be, carefully obeyed.

I avail myself, &c.
(Signed) H. S. FOX.

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No. 32.

Mr. Fox to the Earl of Aberdeen.—(Received October 30.)

My Lord, *Washington, October* 12, 1841.

UPON receiving Lord Palmerston's despatch of the 24th of August relating to the North-Eastern Boundary Negotiation, I had a conference with Mr. Webster upon the subject. I found him entirely unacquainted with the last previous movements of the two Governments in that negotiation, and, consequently, unprepared with a definite answer to the proposals contained in Lord Palmerston's despatch. In order to understand the meaning of that despatch, it was absolutely necessary that Mr. Webster should make himself acquainted with the details of the last previous proposals of the two Governments, contained respectively in the British Draft of Convention presented by me to Mr. Forsyth on the 28th of July, 1840, and in the American Counter-Draft delivered to me shortly afterwards by Mr. Forsyth, and forwarded to Her Majesty's Government in my despatch of August 15, 1840. Under these circumstances, I gave to Mr. Webster a copy of Lord Palmerston's despatch, which copy, together with the two documents above-mentioned, namely, the British Draft, and the American Counter-Draft of Convention of 1840, he has carried with him to his residence in Massachusetts, where he is now staying. I hope that upon his return to Washington in the course of next month, he will be prepared to resume the negotiation. From several conversations which I have had with Mr. Webster, I am induced to believe that as far as his own wishes and opinion go, he would be very willing to conclude the dispute at once by a compromise, and by the adoption of what has generally, in the course of the negotiation, been termed a conventional line of boundary. But I am not yet aware what particular terms of compromise would satisfy Mr. Webster: nor, which is of equal moment, what means he would possess of rendering such terms of compromise as he might accept, acceptable also to the State of Maine.

I have, &c.,
(Signed) H. S. FOX.

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MAP

TO ILLUSTRATE THE BOUNDARY

ESTABLISHED BY

THE TREATY OF WASHINGTON,

OF THE 9TH AUGUST, 1842,

BETWEEN

HER MAJESTY'S COLONIES OF NEW BRUNSWICK AND CANADA,

AND

THE UNITED STATES OF AMERICA.

Presented to the House of Commons, by the Queen's Command, in pursuance of their Address of the 27th of March, 1843.

British Claim	*Blue.*
American Claim	*Yellow.*
Award of the King of Holland . . .	*Green.*
Boundary by Treaty of 1842	*Red.*

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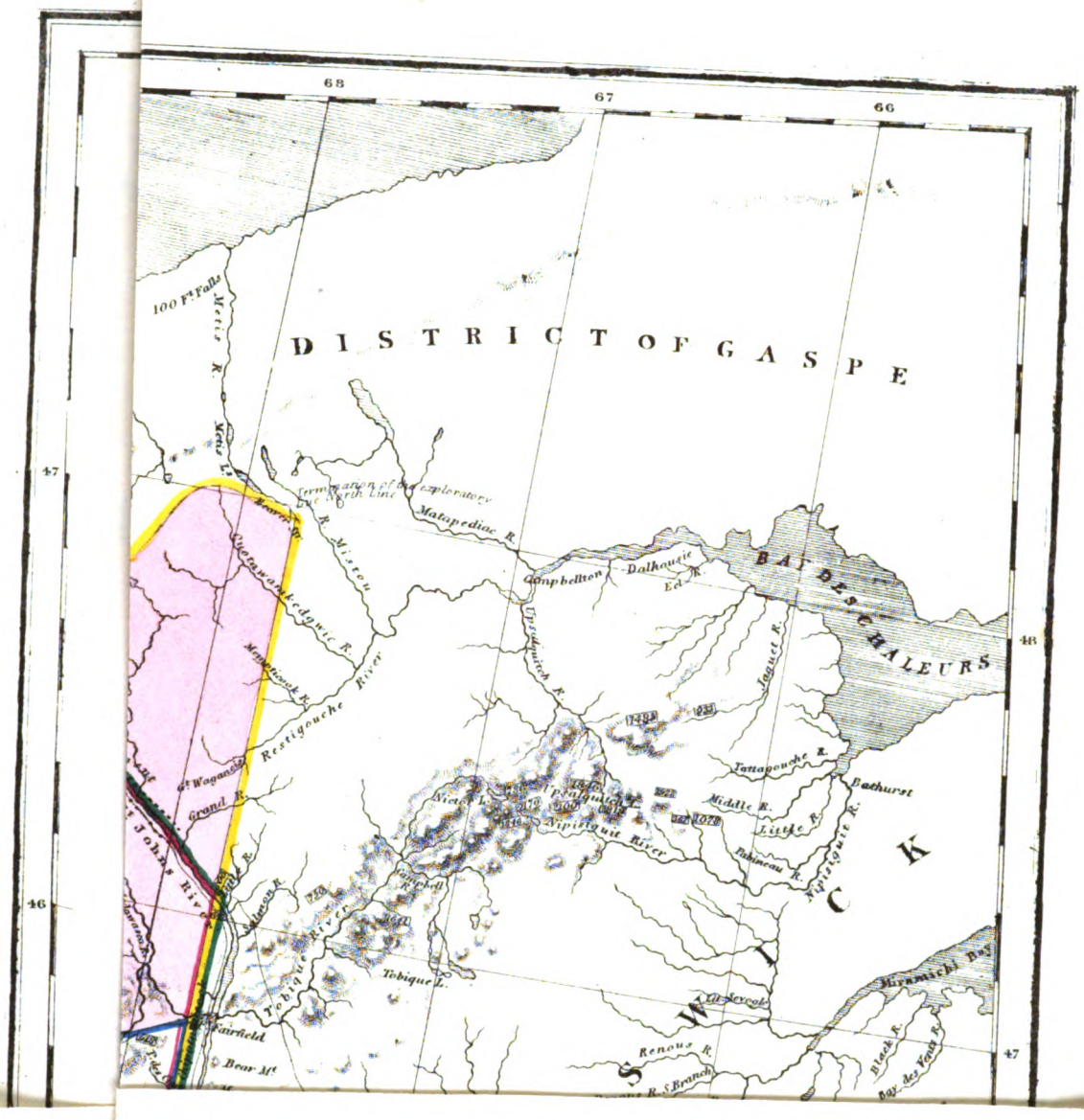

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COPIES AND EXTRACTS

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OF

DESPATCHES FROM HER MAJESTY'S MINISTERS ABROAD

HAVING REFERENCE TO THE

RECENT MODIFICATIONS

IN

THE TARIFF

OF THE

GERMAN CUSTOMS' UNION.

Presented to the House of Commons, by the Queen's Command, in pursuance of their Address of the 13*th Feb.*, 1843.

LONDON:

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COPIES AND EXTRACTS OF DESPATCHES

RELATIVE TO THE

RECENT MODIFICATIONS IN THE TARIFF

OF THE

GERMAN CUSTOMS' UNION.

No. 1.

The Earl of Aberdeen to Sir George Hamilton.

Sir, *Foreign Office, May* 20, 1842.

HER Majesty's Government having been informed that an intention is entertained at Berlin considerably to increase the duty payable in the German Commercial Union, upon British iron, I have to instruct you to take an early opportunity of expressing to Baron Bülow the deep regret with which Her Majesty's Government have learnt the likelihood of such a change. Her Majesty's Government certainly did not anticipate that, at a time when the British markets were about to be opened upon much more favourable terms than heretofore to many of the staple productions of the territories composing the German Commercial Union, such measures would be met on the part of that Union by the imposition of more onerous duties on one of the principal productions of the British empire; and Her Majesty's Government therefore still hope that there may yet be time to reconsider the proposed measure, if, indeed, it ever has been seriously entertained. Should this expectation, however, prove unfortunately to be erroneous, you will cause it clearly to be understood that, although the change now in progress in the commercial system of this country is the result of the conviction entertained by the British Government of its expediency and sound policy, and is not dependent upon specified engagements with Foreign Powers for the grant of reciprocal advantages to Great Britain, Her Majesty's Government will not consider themselves under any obligation to allow countries to continue to enjoy the advantages resulting from that change, which shall not be ready to meet it in a corresponding spirit.

It will not be a difficult matter for you to show how essentially interested are the various portions of the Prussian dominions in the changes in the import duties which have either been already effected by the British Government, or which are in progress of being so effected; and you will more particularly call the attention of the Prussian Government to the important advantages which Prussia is likely to derive from the new Corn Law, not only in respect to the great diminution in the amount of duties which will be levied under this law, but especially on account of the greater steadiness and regularity of the trade in corn, which cannot fail to be its consequence.

The contemplated change in the timber duties must likewise be of considerable importance to the Prussian Government, for no doubt can be entertained that the effect of this reduction of duty, applying as it does to an article of universal demand, will lead to a much more active intercourse with the countries to which it may be extended. The Tariff of Duties which has been submitted to Parliament—a copy of which I here-

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with inclose—contains many more articles of considerable importance to the industry of the various portions of the Prussian dominions; and you will take care, in any conversation which you may have with the Prussian Minister on these matters, to draw his attention to the important reduction in the duties on those articles which are in course of being effected.

I am, &c.,
(Signed) ABERDEEN.

No. 2.

Sir George Hamilton to the Earl of Aberdeen.—(*Received June* 6.)

(Extract.) *Berlin, June* 1, 1842.

I HAVE the honour to acknowledge the receipt of your Lordship's despatch of the 20th ultimo, relative to the increase of the duty on iron, which Her Majesty's Government had heard it was in contemplation on the part of Prussia to propose to the German Union; and instructing me to observe to the Prussian Government that, at a time when the British markets are about to be opened upon much more favourable terms than heretofore, to many of the staple productions of the territories composing the German Commercial Union, it never could have been anticipated that such measures would be met on the part of that Union by the imposition of more onerous duties on one of the principal productions of the British empire.

I had already, in some measure, anticipated the instructions which I have now had the honour of receiving, as I had heard, some short time ago, that the possessors of mines in Silesia and in the Rhine provinces had been very active in moving the Government here to recommend an increased duty on iron. I made inquiries into the matter, and I found that meetings had taken place at Berlin for this purpose, and that the President of the Prussian Mining Department was also strongly in favour of the increased duty. I had afterwards a long conversation with the Prussian Minister for Foreign Affairs on the subject, and I made use of the same arguments which your Lordship has since instructed me to do, viz., that, at a time when Great Britain was opening her markets to many articles of Prussian produce, it is not the moment to choose to increase the restrictive duties already levied on an article of British export. Baron Bülow at that time assured me that the Prussian Government were determined not to yield to the request of the iron proprietors, and that the duty would not be altered.

Since that period, I have again been informed that renewed efforts are making to induce the Government to alter its decision, and to recommend an increase of the duty; your Lordship's despatch, therefore, arrived most opportunely, and I read it yesterday to Baron Bülow. He told me that he should consult his colleagues on the subject, and that Her Majesty's Government might depend upon his using his best endeavours that no recommendation prejudicial to the commerce of Great Britain should be made which was not imperatively called for by the necessities of the German Union.

I subsequently addressed to Baron Bülow the note of which the inclosed is a copy.

Inclosure in No. 2.

Sir George Hamilton to Baron de Bülow.

Berlin, May 20, 1842.

HER Britannic Majesty's Government having been informed that an intention is entertained at Berlin considerably to increase the duty payable in the German Commercial Union upon British iron, the Undersigned, Her Majesty's Chargé d'Affairs, has been instructed by the Earl of Aber-

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deen to express to his Excellency Baron Bülow, the Prussian Minister for Foreign Affairs, the deep regret with which Her Majesty's Government have learnt the likelihood of such a change.

At a time when the British markets are about to be opened upon much more favourable terms than heretofore, to many of the staple productions of the territories composing the German Commercial Union, Her Majesty's Government hope that such measures will not be met on the part of that Union by the imposition of more onerous duties on one of the principal productions of the British Empire, more particularly as there is yet ample time to reconsider the proposed measure, if, indeed, it ever has been seriously entertained.

Should this expectation, however, prove unfortunately to be erroneous, the Undersigned has been instructed to point out to the Prussian Government that, although the change now in progress in the Commercial system of Great Britain is the result of the conviction entertained by Her Majesty's Government of its expediency and sound policy, and is not dependent upon specified engagements with Foreign Powers for the grant of reciprocal advantages to Great Britain, Her Majesty's Government entertain a confident hope that other countries will show themselves ready to meet such changes which must evidently redound to their benefit in a corresponding spirit of reciprocal concession.

It would be easy for the Undersigned to show how essentially interested are the various portions of the Prussian dominions in the changes in the import duties which have either been already effected by the British Government, or which are in progress of being so effected; and the Undersigned is directed more particularly to call the attention of the Prussian Government to the important advantages which Prussia is likely to derive from the New Corn Law, not only in respect to the great diminution in the amount of duties which will be levied under this law, but especially on account of the greater steadiness and regularity of the trade in corn, which cannot fail to be its consequence. The contemplated change in the timber duties must likewise be of considerable importance to the Prussian Government; for no doubt can be entertained that the effect of this reduction of duty, applying as it does to an article of universal demand, will lead to a much more active intercourse with the countries to which it may be extended. The Tariff of Duties which has been submitted to Parliament, contains, as his Excellency Baron Bülow will perceive from the inclosed copy, many more articles of considerable importance to the industry of the various portions of the Prussian dominions; and the Undersigned is specially directed to draw his Excellency's attention to the important reductions in the duties on those articles which are in course of being effected.

The Undersigned, &c.,

(Signed) G. B. HAMILTON.

No. 3.

Sir George Hamilton to the Earl of Aberdeen.—(Received June 13.)

(Extract.) *Berlin, June* 8, 1842.

SINCE the receipt of your Lordship's despatch, instructing me to remonstrate against any increase of the duties levied on British iron by the German Commercial Union, I have used my utmost endeavours with different members of the Prussian Government, to prevent any instructions being given to the Commissioners about to be sent to the meeting of the German Union at Stuttgardt, which might be hostile to the interests of British commerce; and I avail myself with pleasure of this opportunity of informing your Lordship, that I have found the greatest anxiety on the part of all the members of this Cabinet to meet the wishes of Her Majesty's Government, and it has been truly gratifying to me to observe the friendly feeling displayed on this occasion towards Great Britain.

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No. 4.

Mr. Kuper to the Earl of Aberdeen.—(Received June 16.)

My Lord, *Frankfort, June* 10, 1842.

I AM informed by several of the principal merchants in this city who import certain manufactured goods from England, that they have ascertained beyond a doubt that it is the intention of the Prussian Commissioners to propose at the next meeting of the Plenipotentiaries from the several States composing the German Customs' Union, that the duty upon British manufactured mixed cotton and woollen goods, and more especially upon the article called "mousseline de laine," be increased from 30 dollars per cwt., (the present duty,) to 50 dollars per cwt. (or 70 dollars *ad valorem.*) which is the duty in the Tariff of the Union upon printed cotton goods.

It appears from the statement of that gentlemen, that since the almost entire expulsion of British cotton prints from the German market, the British manufacturers have, for a considerable time past, devoted their labours to the manufacture of the aforesaid "mousseline de laine," immense quantities of which, they say, have been annually imported into the Union from England; and it is this fact, coupled with the inability of the German manufacturers to produce a similar article, which has caused the outcry of the latter for protection; and I am further assured that the measure in question will be carried at Berlin.

I have, &c.,
(Signed) HENRY GEORGE KUPER.

No. 5.

The Earl of Aberdeen to the Earl of Westmorland.

My Lord, *Foreign Office, June* 28, 1842.

I HEREWITH transmit to your Lordship copy of a despatch from Her Majesty's Chargé d'Affaires at Frankfort, relative to the intention of the Prussian Government to propose at the next meeting of the Plenipotentiaries from the several States composing the German Customs' Union, a considerable increase of the import duties upon various British manufactured goods, and more especially upon the article called "mousseline de laine."

I also inclose to your Lordship copies of three communications upon this subject which have been received from some of the principal manufacturers interested in the question; and I have to desire that you will ascertain from the Prussian Government whether it be true, as stated in these communications, that the additional duty in question is about to be proposed to the Zoll Verein, and if so, whether it is probable that it will be adopted.

Her Majesty's Government, relying upon the language recently used by the Prussian Government upon the subject of certain additional duties which it was reported were to be imposed by the German League upon manufactures of iron and steel, are unwilling to give credence to the report referred to in these communications. If, however, their expectations should be disappointed, it will be with deep regret that they will learn the intention of Prussia to adopt measures so opposite to the enlightened principles which she has constantly professed. Her Majesty's Government are most unwilling to enter upon a war of tariffs, and have given proof of their desire to extend and improve their commercial intercourse with all nations. But if their endeavours in this respect meet with no reciprocity, and only lead to increased restrictions, it may then be absolutely necessary for the British Government to have recourse to retaliatory measures, and even to revise those portions of the new tariff framed in a spirit of liberality which appears to be so little appreciated.

I am, &c.,
(Signed) ABERDEEN.

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No. 6.

The Earl of Aberdeen to Sir George Shee.

Sir, *Foreign Office, June* 30, 1842.

SINCE the date of my despatch of the 16th instant, granting you six weeks' leave of absence, I have been informed that the annual meeting of the Plenipotentiaries from the different States comprising the German Customs' Union will be held at Stuttgardt instead of at Berlin; and as the interests of Great Britain might considerably suffer by the absence of Her Majesty's Minister, I have to desire that you will remain at your post as long as the above-mentioned Plenipotentiaries are assembled at Stuttgardt.

I am, &c.,
(Signed) ABERDEEN.

No. 7.

Sir George Shee to the Earl of Aberdeen.—(Received July 10.)

My Lord, *Stuttgardt, July* 5, 1842.

I HAVE to acknowledge the receipt this morning of your Lordship's despatch dated the 30th ultimo, directing me to remain at my post so long as the Plenipotentiaries from the different States composing the German Customs' Union continue assembled at Stuttgardt.

The Plenipotentiaries in question have already arrived in Stuttgardt, and this morning they had their first meeting at the Foreign Office. But their proceedings, it is expected, will be very slow. They have in the first instance to receive such applications as may be made to them by any of the States composing the German Customs' Union, for modifications of the tariff upon points upon which its present working may have proved prejudicial to their interests; and, having considered these applications with reference to the general objects of the Union, the Plenipotentiaries will then write to their respective Governments for their instructions upon each case.

Upon such instructions the final arrangements are to be formed.

I beg to assure your Lordship that I shall not fail in taking such steps as may be practicable for obtaining the earliest information respecting any changes in the tariff that may have been suggested; and I shall from time to time communicate to your Lordship the result of my inquiries.

I have, &c.,
(Signed) G. SHEE.

No. 8.

The Earl of Westmorland to the Earl of Aberdeen.—(Received July 11.)

(Extract.) *Berlin, July* 6, 1842.

I HAVE the honour of acknowledging the receipt of your Lordship's despatch of the 28th ultimo, together with its inclosures. I waited immediately upon Baron Bülow, with the view of ascertaining whether there was any foundation in the report as to the increase of duties on British manufactures transmitted from Frankfort, of which, in my various conversations with him, I had never received the slightest intimation. I have to relate thereupon, that I found Baron Bülow in the perfect conviction that there was no such intention on the part of his Government as was attributed to it; but with the view of giving me a more decided and official answer, he requested me to call upon

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him this morning, which I accordingly did. I found Baron Bülow greatly annoyed and distressed at having, only a few minutes before I saw him, received a report from the Minister of Finance, by which it appears that the increase of duty such as is reported from Frankfort upon the worsted and cotton goods, is placed amongst the objects to be proposed by his Government to the meeting of the German Custom-House Union at Stuttgardt, and as such, has been communicated to the different States composing that Union.

I represented to Baron Bülow the arguments contained in your Lordship's despatch to which I have above alluded, and which I read to him, and in which he appeared entirely to concur, feeling both that the British Government would be authorized in entertaining a sentiment of surprize and disappointment, supposing the present contemplated measure to be adopted, and also that it might naturally lead to retaliatory measures of increased restrictions on the commerce of Germany. It is very difficult to understand how this business has been managed, for my colleagues were, up to the present moment, in the same persuasion upon this subject as Baron Bülow and myself; and Count Alvensleben, the former Minister of Finance, and now the Minister charged with reports to His Majesty on financial matters, told me only two days ago, and since I received your Lordship's despatch, that no additional duty upon articles of British manufacture would be imposed.

It is impossible I should not express to your Lordship, the great regret I have felt on receiving the communication I have thus reported to you; it is entirely at variance with what I had hoped or expected, and I can only feel some consolation in the conviction that Baron Bülow has been as much surprized and disappointed as myself. I still entertain hopes that these measures will not be carried into effect, and I shall endeavour by every possible exertion to arrive at such a result.

No. 9.

The Earl of Westmorland to the Earl of Aberdeen.—(*Received July* 18.)

(Extract.) *Berlin, July* 13, 1842.

BARON BULOW transmitted his explanation of the circumstances connected with the additional imposition of duties on the mixed cotton and woollen manufactures to the Chevalier Bunsen, on Sunday last, and he assures me that it was complete, disguising in no way the regret with which he had viewed it, the entire ignorance with regard to it in which he remained till his attention was called first by my application to him upon the subject, and next by that of the Chevalier Bunsen, and, lastly, the disbelief on the part of those ministers who were concerned in recommending the measure, that it would have any sensible effect upon the commerce of Great Britain.—All this I entirely believe to be the case; with respect to Baron Bülow's ignorance of the proposal there can be no doubt; his word is sufficient; next his first reply to me was a denial of the fact, and he only desired me to return to him the following day to receive it in a more official form; then with regard both to Monsieur Beuth and Monsieur Kühne, they are distinguished for their liberal views with respect to the commerce between England and Prussia, and consequently with the Zoll Verein. In the present case, unaware of the English traffic in this particular branch of trade, they yielded to the claims very forcibly put forward by Saxony to fulfil an engagement in the existing regulations of the Commercial Union, that when an article was produced, mixed of two substances, it should be taxed according to the duty levied upon the highest. This they state to be the constant practice in England, and they cite a cotton velvet, upon which their own endeavours to induce the British Government to allow a rating according to the duty upon the lowest taxed article contained in it, had been ineffectual. Notwithstanding this feeling, however, if they had been aware of the effects of the measure upon British commerce, they would not have adopted it.

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The embarrassment they now feel is, that the proposition has, in a printed form, been transmitted to all the Governments of the Union, as a part of the proposals of Prussia, and I herewith transmit to your Lordship a translation of the two articles of these proposals which affect British commerce.

Your Lordship will observe that these mixed goods must be either printed, or have patterns interwoven, or embroidery, to be made subject to the new regulations; every other sort of mixed cotton and woollen goods remain upon the footing on which they now stand. The ministers concerned in drawing up the document containing these proposals are distinguished for their liberal views with respect to commerce, and for their resistance to the claims of the German manufactures for an advance of duty upon iron and cotton twist, and they flattered themselves that by yielding upon a point which they considered of minor importance, they should (consistently with their commercial views) be better able to resist the more extensive menaced injury to the commerce of England.

Inclosure in No. 9.

Extracts from Memorandum respecting the Tariff of the Union for the years 1843-1845, *and the Proposals of the Prussian Government.*

Proposals 1, 2, 3, 4.

1. Respecting the Tariff.

A. First Part.

* * * * *

B. Second Part.

5. Respecting Item 2. b. (of the Tariff.)

Cotton yarn doubled with wool has frequently been produced of late, and it has been provisionally decided, on the part of this country, that it should be taxed according to the rate for yarn composed of cotton only. In order that the tariff should be made to correspond with this, it is proposed to say, with respect to Item 2 *b*, instead of "cotton yarn," "cotton yarn as well as yarn mixed with cotton and wool."

6. Respecting Item 2. c.

Hitherto, in consequence of the absence of a corresponding provision in the tariff, dressed (?) (geschlichtete) chain yarn (the so-called warps) has been taxed like the common unbleached one and two-thread cotton yarn, two dollars per cwt., according to Item 2 *b* 1 (of the tariff). But as the dressed (?) (geschlichtete) yarn is in a higher state of preparation for further use, and is therefore of higher value than the common twist, it appears just, and is hereby proposed, that a difference should be made in the taxation of the two articles, and that a proportionably higher import duty should be imposed upon the dressed chain yarn, for which the rate of three dollars is proposed as fitting.

7. Respecting Item 2. c.

Of late, cotton textures with inconsiderable ornaments in wool have lately appeared in the market, upon which, according to the letter of the tariff, it has not been possible to impose a higher duty than that of thirty dollars per cwt. levied on woollen goods. As this does not evidently

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answer the intention upon which the rates of the tariff for cotton goods are based, it is proposed with respect to Item 2 *c*, to add under the words "goods and hosiery," "also similar goods and hosiery with patterns interwoven and embroidered in wool."

34. Respecting Item 41. c.

As for many of the fine woollen stuffs, and stuffs mixed with wool and cotton, viz., printed goods, or such as are furnished with interwoven or embroidered patterns, the rate of duty of 30 dollars appears too small in proportion to the value of these textures, and in comparison with the import duty of fifty dollars imposed upon cotton goods, it is proposed to insert the following new subdivisions between Item 41 *c*, *d*.—"Woollen goods not callendered, as well as printed goods of mixed wool and cotton, or with patterns interwoven or embroidered, fifty dollars."

No. 10.

Sir George Shee to the Earl of Aberdeen.—(Received July 24.)

(Extract.) *Stuttgardt, July* 16, 1842.

I AM enabled to state to your Lordship, which I do with much concern, that in the formation of the new Tariff there seems every probability that some changes will be effected prejudicial to the interests of Great Britain.

The States which principally advocate such changes are Saxony, Bavaria, Würtemberg, and Baden.

In the last-named country the subject has already become a topic of discussion in their Chambers, and the following changes have been pressed upon the Government.

First. That the duties upon cotton twist should be raised from two dollars to six dollars per cwt.; that a rise in the same proportion should be made for the finer qualities of cotton twist, and that an augmentation of duty likewise upon yarn made of cotton and wool should be taken into consideration.

Secondly. That the duty upon mixed goods, manufactured of wool and cotton, should be raised from 30 dollars to 50 dollars per cwt., and that the system of paying the duty according to weight upon fine but cheap goods should moreover be altered; and—

Thirdly. That upon linen thread a duty of from 10 to 15 dollars per cwt. should be imposed, or such other duty as should be deemed to afford adequate protection to the manufacturers of Baden.

Saxony seems anxious chiefly about the cotton twist, and she will probably renew the demand which she made three years ago for an augmentation of the duty upon that article of four dollars per cwt.

In Würtemberg a decided feeling exists in favour of some rise in the Tariff so far as relates to woollen goods, to linen goods, and to cotton twist; the amount, however, of the wished-for increase in these articles I have not yet been able to ascertain; nevertheless I have every reason to believe that the demands from Würtemberg will be moderate, and made solely with a view to protection and not to prohibition.

Of the other States composing the German Customs' Union I have strong reason for believing that the greater number, whatever their private sentiments may chance to be, will not in their votes oppose themselves to the wishes of Prussia; and Prussia, if the information given to me be correct, is adverse to any increase whatever in the Tariff.

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No. 11.

Sir George Shee to the Earl of Aberdeen.—(*Received July* 28.)

(Extract.) *Stuttgardt, July* 21, 1842.

I AM informed that the revision of the Tariff will embrace a great variety of points, amounting in number to perhaps not less than fifty, and comprehending not only the articles respecting which I have lately had occasion to address your Lordship, but also the existing duties upon silks, upon jewellery, upon vegetable produce, and several others; that the changes, however, in those duties only consist of such trifling modifications as may suggest themselves to the Commissioners after they have completed their inquiry into the general administration of the existing Tariff.

With regard to the four points with which Great Britain is principally concerned, namely, the duties upon cotton twist, linen thread, woollen goods, and iron, the following would appear to be the state of those matters at the present time.

Upon cotton twist the opinions, or rather the feelings, of the States which the Commissioners represent are various: some, including Prussia, are adverse to any increase of duty whatever, while others desire an increase of 2, and some even of 3 dollars per cwt.

It would seem, however, that Bavaria being the most moderate in all her commercial views, has been allowed to act as a sort of arbitrator in the question; and that she has in consequence suggested that the increase should not exceed 1 dollar per cwt.

There appear at present to be good grounds for believing that that is the increase which will be ultimately adopted.

Upon the linen thread I am still inclined to think that if any duty be imposed it will be little more than a nominal duty.

With regard to iron, I am informed that the duty also upon that article will remain unchanged.

A strong wish had existed to increase the duty upon iron, in consequence of the ability which Great Britain possesses of exporting it to Germany at so much cheaper a rate than that at which the German establishments supply it. But, on the other hand, the demand in Germany for iron for railroads and other public purposes, so far exceeds their own powers of supply, that upon the whole it has been deemed advisable to leave the existing Tariff upon that point for the present undisturbed.

No. 12.

Sir George Shee to the Earl of Aberdeen.—(*Received August* 10.)

(Extract.) *Stuttgardt, August* 5, 1842.

SINCE the date of my former despatch, the Commissioners of the Customs' Union do not seem to have made any progress.

In the mean time, however, the representatives of the manufacturing interests are by no means idle. They appear now to have acquired considerable influence over the public press in this part of Germany, and even in the Rhenish provinces of Prussia; and the consequence is, that articles are perpetually appearing in the public newspapers arguing in favour of an increase in various articles of the existing tariff.

With reference to what I have already stated to your Lordship respecting a probable rise in the duty upon linen yarn, I have to acquaint you that petitions have been recently presented to the Commissioners from various manufacturers in Germany, urgently soliciting an increase in that duty. The prevailing belief, however, seems still to be, that, although the duty will be increased, it will only be to a very trifling amount.

Mr. Wheaton, the American Minister at the Court of Berlin, arrived

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here some time ago, partly for the purpose of watching the proceedings of the Congress, but principally with a view to obtain, if possible, a reduction in the existing duty upon the importation of American tobacco. In the latter object Mr. Wheaton appears to have failed, from the conflicting interest of the tobacco-growers in various parts of Germany, principally in Baden, Saxony, and Bavaria. The duty on that article will, it is thought, not be lowered; nor, on the other hand, do I apprehend that it will be increased.

Upon cigars, however, there will probably be an increase, but that increase will not so much affect the American planter as the tobacco-merchants in the town of Bremen, which town, your Lordship knows, is not a member of the Zoll Verein, but into which American tobacco is largely imported for the purpose of being manufactured into cigars.

No. 13.

Sir George Shee to the Earl of Aberdeen.—(Received August 17.)

(Extract.) *Stuttgardt, August* 12, 1842.

SINCE the date of my last despatch upon the subject of the German Customs' Union, the Commissioners have, I am inclined to believe, advanced so far in their task that their new tariff is now quite complete, with the exception of those points upon which so much discussion has arisen.

Upon these points the Commissioners, who have written home for fresh instructions, are, it is said, still awaiting the replies of the respective Governments. But, in the mean time, I am informed that the parties whose interests led them to desire augmentations in the tariff are complaining in strong terms of the manner in which German interests, as they affirm, are about to be neglected in this Congress; and I learn, moreover, from good authority, that an individual whose official position places him in close connexion with the German Customs' Union, has recently declared, in a very positive manner, although with many expressions of regret, that no change will take place in the existing tariff so far as relates to cotton twist and to iron that will in any way prejudice the interests of Great Britain.

No. 14.

The Earl of Westmorland to the Earl of Aberdeen.—(Received August 22.)

(Extract.) *Berlin, August* 17, 1842.

A DEPUTATION of manufacturers from the Grand Duchy of Baden, Würtemberg, and the Rhenish Provinces of Prussia, have arrived at Berlin, to endeavour to influence the Prussian Government in favour of an increase of duties on cotton-twist, the mixed woollen and cotton goods, and iron.

They have had interviews with Baron Bülow, and the Minister of France, and Director of the Customs, who have all received them politely, but declined entering into their views. They have likewise solicited an audience of His Majesty the King, to present a petition, setting forth their wishes.

The press in Germany, and more particularly in the south, has for some time past been loud in calling for restrictive duties in favour of German manufacturers, and in inveighing against the injury done to them by the importation of British goods. It is chiefly led by Monsieur Lizt, a very able writer in the employ of the manufacturers, whose articles carry great weight with them in the opinion of many distinguished persons in the Southern States.

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The cause of protective duties has likewise gained great strength from the support it has received from the liberal party in Hesse-Darmstadt, and especially in the Baden Chambers; and, in general, the southern Governments have shown themselves favourable to a system of increased duties, which for some time formed the chief obstacle to their accession to the German Union, as they had felt unwilling to adopt the Prussian tariff, which was higher than their own. But manufactures have, during the few last years, made such rapid strides in Germany, that those persons who were formerly the most strenuous advocates of free trade are now its most decided opponents, as they think it politic to protect undertakings in which considerable capital has been invested. Those, likewise, who are interested in obtaining higher duties on foreign manufactures feel alarmed lest the late important changes which have been introduced by Her Majesty's Government should, by depriving them of grounds of complaint against Great Britain, prevent them from gaining their object.

They therefore think that every effort ought to be made, before it is too late, to prevail upon their respective Governments to grant them the protection they demand, and it is with this view that they have spared no expense in enlisting the press in their favour.

No. 15.

Sir George Shee to the Earl of Aberdeen.—(Received August 27.)

My Lord, *Stuttgardt, August* 22, 1842.

THE Commissioners of the German Customs' Union have made no further progress in the new tariff since I last addressed your Lordship, the Commissioners who had sent home for fresh instructions, not having yet received their replies. I have however, been again informed, and within the last day or two, that there is still no probability whatever of any augmentation being made in the duty upon cotton-twist.

The individual who gave me the above information, added, that the duty upon mixed woollen goods would probably be raised from thirty to fifty dollars per cwt.

I have, &c.,
(Signed) G. SHEE.

No. 16.

Sir George Shee to the Earl of Aberdeen.—(Received September 25.)

(Extract.) *Stuttgardt, September* 20, 1842.

I HAVE the honour to acquaint your Lordship, that I learn that, although the new tariff has not yet been signed, the details have at length been definitively agreed upon.

The result would appear to be that, in cotton-twist, there will be no augmentation of duty whatever; that in linen yarn, likewise, there will be no augmentation, nor will there be any increase in the duty upon iron.

But, with regard to mixed woollen goods, it is said that the influential Governments of the German Customs' Union have been compelled at last to yield to the clamours of the manufacturing interests, and that the augmentation of duty from thirty to fifty dollars per cwt., for which augmentation I prepared your Lordship in former despatches, will be made.

After the protocol of the Congress has been signed, which I expect will take place in a day or two, some further time must still elapse before the new tariff itself can be published.

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No. 17.

Mr. Henry Howard to Viscount Canning.—(Received September 26.)

(Extract.) *Berlin, September* 22, 1842.

MONSIEUR EICHMAN, the head of the Commercial Department in the Foreign Office, having been unable to receive me yesterday before the departure of the messenger, I called upon him this morning, and he informed me that the discussions of the Commercial Congress at Stuttgardt, on the tariff, had terminated, and that no augmentation of the duties of the Union, on iron, iron wares, cotton-twist, or linen yarns, had taken place.

The proposition, however, for an increase of the duties on mixed woollen and cotton goods, from thirty to fifty dollars per cwt., has, I regret to say, been adopted, as your Lordship has already been led to anticipate. Monsieur Eichman begged me to observe, that the new duties only apply to printed goods of that description.

No other changes affecting British interests, than those originally proposed, have been carried in the Congress; and, taking into consideration the violent outcry for protecting duties, raised throughout Germany, I think that less injury has been sustained by British commerce than appeared to be threatened.

The duration of the tariff, as now fixed, is for three years from the 1st of January, 1843.

No. 18.

Sir George Shee to the Earl of Aberdeen.—(Received November 12.)

(Extracts.) *Stuttgardt, November* 1 *and* 7, 1842.

THE new tariff of the German Customs' Union was published on Saturday last, in the Government Gazette of Würtemberg, ("Regierungs Blatt,") and I have the honour to transmit to your Lordship, herewith, a copy of that document.

Upon inspection of that document, your Lordship will perceive, that no essential change has been made in the late tariff, except in the article of mixed woollen goods. In cotton-twist, indeed, there has been a slight increase agreed upon, but it does not apply to the qualities described in the late tariff. It relates to a sort of intermediate condition of the article, which our manufacturers had succeeded in creating for the purpose of introducing into Germany, under the lowest duty, that species of twist which properly was liable to the higher, and it is, therefore, not an augmentation of duty, but merely the prevention of an abuse.

I have to add that, in addition to the alterations, a provisional increase has been agreed upon relative to four items, with which the commerce of France will be principally concerned. The articles, as stated in the inclosure to this despatch are, fine leather gloves, quincaillerie, French brandy, and paper hangings. I am given to understand that the increase would be abandoned, should the French Government evince a disposition to meet the forbearance of the German Union, by corresponding commercial liberality on their part.

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Inclosure 1 in No. 18.

TARIFF OF THE GERMAN CUSTOMS' UNION.

Statement exhibiting the changes which have been made in the Tariff of the German Union of Customs, by the Decree of the 14th October, 1842, shewing the difference between the former and the new Duties.

Articles.	Former Duties. Unities.	Former Duties. Prussian Money. Tha. Sg.	Former Duties. English Money. £ s. d.	Articles.	Present Duties. Unities.	Present Duties. Prussian Money. Tha. Sg.	Present Duties. English Money. £ s. d.
(1.) Cotton yarn, unbleached, of 1 and 2 threads and wadding ..	Centner of 110⅓ lbs. Avoirdupois.	2 0	0 6 0	Cotton yarn, unbleached, of 1 and 2 threads, and wadding, warped, glued, or unglued ..	Centner of 110⅓ lbs. Avoirdupois.	3 0	0 9 0
(2.) Minium, smalts, cleaned and rough soda (mineral alkali), blue vitriol, vitriol and copper mixed, and white vitriol	Ditto.	1 0	0 3 0	Minium, smalts, cleaned and rough soda (mineral Alkali), blue vitriol, vitriol and copper mixed, white vitriol and water glass	Ditto.	1 0	0 3 0
				N.B.—Unrefined soda, entered at the Prussian sea frontier, as well as in Prussia, Saxony, and the Electorate of Hesse, on the river frontier, and in Saxony on the land frontier	Ditto.	0 7½	0 0 9
(3.) Raw specimens of the mineral, animal, and vegetable, kingdoms, for manufactures and medicines, which are not rated at higher or lower duties, or otherwise mentioned, and non European furniture woods, pay the common import duty of ½ thaler per centner				The ordinary import duty of ½ thaler per centner, shall be levied on— 1st. Raw specimens of the mineral, animal, and vegetable kingdoms for manufactures and medicines which are not rated at higher or lower duties, or otherwise mentioned, also non European furniture woods 2nd. Unrefined sulphate of natron	Ditto.	0 10	0 1 0
(4.) Glass, viz., white hollow glass, unornamented and uncut, with polished stoppers, bottoms and brims, window and table glass, without distinction of colour	Ditto.	3 0	0 9 0	Glass, viz., white hollow glass, — Unornamented and uncut window and table glass, without distinction of colour	Ditto.	3 0	0 9 0
				— with polished stoppers, bottoms, or brims	Ditto.	4 15	0 13 6
*Glass wares, mounted with common metals and others, not attached; also woven materials and mirrors, not above 288 Prussian square inches . ..	Ditto.	10 0	1 10 0	—*coloured, painted*, or *gilt glass* and *glass wares mounted with common metals, &c., as in the former Tariff, rate the same.			
(5.) Wood, viz., oak, elm, ash, cherry, pear, apple, and cornel .	1 ship's last of 37½ Centners, or by raft of 75 cubic feet.	1 10	0 4 0	Wood—(1) viz., oak, elm, ash, cherry, pear, apple, and cornel	Same as in preceding Tariff.	1 0	0 3 0
— Beech, pine, fir, larch, poplar and other soft woods; wood sawn, staves, bars, palings, fascines, trellis wood, &c. ..	1 ship last of ditto, or by raft of 90 cubic feet.	0 20	0 2 0	— (2) beech, pine, fir, larch, poplar, and other soft woods, wooden hoops, stakes, fences, fascines, and osiers	Ditto.	0 10	0 1 0
				— Sawn wood, and all other worked timber from the wood, named in (No. 1.)	The ship last.	1 10	0 4 0
				— from the wood named in (No. 2.)	Ditto.	0 20	0 1 0

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STATEMENT—*Continued.*

Articles.	Former Duties. Unities.	Prussian Money. Tha.	Sg.	English Money. £	s.	d.	Articles.	Present Duties. Unities.	Prussian Money. Tha.	Sg.	English Money. £	s.	d.
(6.) Leather, viz., Brussels and Danishglove-leather, Cordovan, Morocco, and all coloured or lackered leather	Centner of 110½ lbs.	8	0	1	4	0	Leather, viz., Brussels and Danish glove leather, Cordovan, Morocco, and all colored or lackered leather, also Indian rubber thread and manufactures of India rubber not joined with other materials, also shoes and bottles of India rubber ..	Centner of 110½ lbs.	8	0	1	4	0
(7.) Brandy of all sorts, arrack, rum, cognac, and prepared spirits	Ditto.	8	0	1	4	0	Brandy of all sorts, arrack, rum, cognac, and prepared spirits, and *pressed lees*	Ditto.	8	0	1	4	0
(8.) Tobacco manufactured for smoking, in rolls or cut, also cigars, snuff, and tobacco dust	Ditto.	11	0	1	13	0	Tobacco, manufactured for smoking, in rolls or cut, and tobacco dust	Ditto.	11	0	1	13	0
							— cigars and snuff	Ditto.	15	0	2	5	0
(9.) Sugar, raw or powdered ..	Ditto.	9	0	1	7	0	Sugar, raw and unrefined ..	Ditto.	8	0	1	4	0
— Lumps for home refining under special stipulations ..	Ditto.	5	15	0	16	6	— raw sugar for home refining under special stipulations and control	Ditto.	5	0	0	15	0
— raw sugar for the same purpose and under similar control	Ditto.	5	0	0	15	0	N.B.—The duties on these sugars remain fixed only to 1st September, 1844.						
							Oil, viz., cocoa nut, palm, and spermaceti oils, to pay the general duty of . .. .. N.B.—These oils were not specially rated in the former Tariff.	Ditto.	1	20	0	4	0
							Paper, viz., pasteboard for painters N.B.—This article was not specially rated in the former Tariff.	Ditto.	5	0	0	15	0
10.) Furs and skins, viz., sheep skins, dressed but unlined ..	Ditto.	6	0	0	18	0	Furs and Skins, viz., sheep skins dressed but unlined, also Angora skins, dyed or plain, dressed but unlined	Ditto.	6	0	0	18	0
(11.) Silk and silk goods, viz.: — Coloured or bleached silk, or florets, silk twisted or not, also silk spun from raw silk ..	Ditto.	8	0	1	4	0	Silk and silk goods, viz.,— — not twisted	Ditto.	8	0	1	4	0
							— twisted, also thread of raw silk (sewing silk), and buttonhole silk, &c., ...	Ditto.	11	0	1	13	0
— goods, hosiery, shawls, ribbons, blondes, laces, petinets, gauze, threads, cords, silk buttons, net and knit silks, spun and striped silk wares, with metal threads, silk or mounted with iron, glass, wood, leather, brass or steel, or gold and silver stuffs, silks manufactured from waste silk (bourre), or floret silk	Ditto.	110	0	16	10	0	— goods, hosiery, shawls, ribbons, blondes, laces, petinets, gauze, threads, cords, silk buttons, net and knit silks, spun and striped silk wares, with metal threads, silk or mounted with iron, glass, wood, leather, brass or steel, and gold and silver stuffs, silks manufactured from waste silk (bourre), or floret silk	Ditto.	110	0	16	10	0
(12.) Coal viz., by the Prussian frontier and by the Elbe ..	Ditto.	0	0½	0	0	0⅔	Coal, viz., by the Prussian frontier and by the Elbe, also that which by special permission is entered by the Weser, or the Werra	Ditto.	0	0½	0	0	0⅔
(13.) Straw, reed and bast wares, viz., — Mats and foot covers of straw, reed, or bast	Ditto.	0	5	0	0	6	Straw, reed, and bast wares, viz.: — mats and foot covers, of straw, reed, or bast	Ditto.	0	5	0	0	6
							— do. do. dyed or colored	Ditto.	3	0	0	9	0

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STATEMENT.—*Continued.*

Articles.	Former Duties. Unities.	Prussian Money. Tha.	Sg.	English Money. £	s.	d.	Articles.	Present Duties. Unities.	Prussian Money. Tha.	Sg.	English Money. £	s.	d.
(14) Wollen Cloths, and hosiery cloths, shawls, felted goods, cords, buttonry, net and fancy woollens, and woollens mixed with iron, glass, wood, leather, bronze and steel, also with wild animals' hair, or wool with any materials except silk ..	Centner of 110¼ lbs.	30	0	4	10	0	(1.) Woollen cloths and hosiery cloths, shawls, felted goods, cords, buttonry, net and fancy woollens, mixed with iron, glass, wood, leather, bronze and steel, also with wild animals' hair, or wool with any materials except silk	Centner of 110¼ lbs.	30	0	4	10	0
							(2.) Unmilled woollens and mixed wares of cotton and wool if printed, embroidered, or worked, &c., ...	Ditto.	50	0	7	10	0
(15.) Zinc, raw	Ditto.	2	0	0	6	0	Zinc, raw	Ditto.	2	0	0	6	0
							— on the frontier of Tyrol ..	Ditto.	1	0	0	3	0

Inclosure 2 in No. 18.

Statement of Charges provisionally contemplated in the Tariff of the German Customs' Union.

Name of Articles.	Amount of Existing Duties.	Amount of Proposed Increase.	Total projected Duty.
Fine Leather Gloves ..	22 D. per cwt.	22 D. per cwt.	44 D. per cwt.
Quincaillerie	50 D. per cwt.	22 D. per cwt.	100 D. per cwt.
French Brandy	8 D. per cwt.	8 D. per cwt.	16 D. per cwt.
Paper Hangings	10 D. per cwt.	10 D. per cwt.	20 D. per cwt.

No. 19.

The Earl of Westmorland to the Earl of Aberdeen.—(Received November 15.)

My Lord, *Berlin, November* 8, 1842.

I HAVE the honour to transmit, herewith, to your Lordship, copy, in duplicate, of the Tariff of the German Customs' Union for the years 1843, 1844, and 1845, as published in the Prussian Collection of Laws, from which it will be perceived that, with the exception of the anticipated increase of the import duties on mixed woollen and cotton printed goods from 30 to 50 dollars per cwt., but few changes in general, and those not likely, materially, to affect British manufactures, have been introduced into the new tariff, as compared with that for the three preceding years.

I likewise inclose the translation of a Cabinet Order, addressed by the King of Prussia to the Minister of Finance, (of which the original will be found in the above-mentioned Collection of Laws,) directing an augmentation of 50 per cent., from the 1st of January, 1843, and until further orders, on the rates of duties, as fixed by the new tariff, on several articles of small ware, leather gloves, cognac, and paper hangings.

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This measure, of which I announced the probable adoption to your Lordship, in a former despatch, is intended as a retaliation upon France, on account of her having raised her tariff on linens, and having established discriminating duties respecting them, in favour of Belgium, by the convention of last July, but its application will be general to the same manufactures of other countries.

I have, &c.,
(Signed) WESTMORLAND.

Inclosure in No. 19.

King of Prussia's Cabinet Order respecting the increased Duties on some Articles of the Tariff for $\frac{1843}{1845}$.

(Translation.)

UPON your report of the 9th of this month, and in conformity with the resolution taken by the Governments of the Customs Union, I order that the following import duties shall be levied, upon the articles mentioned below, from the 1st of January, 1843, provisionally, and until further orders, instead of the rates of duties prescribed by the Customs Tariff for the years 1843, 1844, and 1845, which I have this day sanctioned.

1. On wares of gold and silver, of a mixture of fine metals, bronze (gilt) real pearls, corals or stones, or mounted with gold and silver; further wares out of the aforesaid materials with alabaster, amber, ivory, mother-of-pearl, tortoiseshell, false stones; perfumery in small glass bottles, or stone bottles, &c., coming under the denomination of fancy articles; table clocks, except those in wooden frames; lustres with bronze, gold or silver leaf; fans; artificial flowers; ornamental feathers, (No. 20 of the Tariff,) 100 rix dollars (175 florins) per cwt.

3. On leather gloves (No. 21 of the Tariff), 44 rix dollars (77 florins) per cwt.

3. On cognac (No. 25 b. of the Tarift), 16 rix dollars (28 florins) per cwt.; and—

4. On paper hangings (No. 27 c. of the Tariff), 20 rix dollars (35 florins) per cwt.

You have to make this, my order, publicly known, in the Collection of Laws, simultaneously with the above-mentioned Customs Tariff.

Berlin, October 18, 1842.

(Signed) FREDERICK WILLIAM.

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TREATY

BETWEEN

HER MAJESTY

AND

THE REPUBLICK OF CHILE,

FOR THE ABOLITION

OF THE

TRAFFICK IN SLAVES.

Signed at Santiago, January 19, 1839.

Presented to both Houses of Parliament, by Command of Her Majesty, 1843.

LONDON:
PRINTED BY T. R. HARRISON.

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TREATY

BETWEEN

HER MAJESTY

AND

THE REPUBLICK OF CHILE,

FOR THE ABOLITION

OF THE

TRAFFICK IN SLAVES.

Signed at Santiago, January 19, 1839.

[*Ratifications exchanged at Santiago, August* 6, 1842.]

In the Name of the Most Holy Trinity.

HER Majesty the Queen of the United Kingdom of Great Britain and Ireland, and his Excellency the President of the Republick of Chile, being mutually animated by a sincere desire to co-operate for the utter extinction of the barbarous Traffick in Slaves, have resolved to proceed to the conclusion of a Treaty for the special purpose of immediately attaining this object, and have respectively named, for this purpose, as their Plenipotentiaries, to wit:

Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, the Honourable John Walpole, Her Britannick Majesty's Consul-General in the Republick of Chile;

And the Republick of Chile, Don Joaquin Tocornal, Minister of State for Foreign Affairs and Finance;

Who, having duly communicated to each other their respective Full Powers, and found them to be in proper form, have agreed upon and concluded the following Articles:—

En el Nombre de la Santisima Trinidad.

EL Presidente de la República de Chile, y Su Majestad la Reina del Reino Unido de la Gran Bretaña é Irlanda, hallándose mutuamente animados de un sincero deseo de cooperar á la completa extincion del bárbaro Tráfico de Esclavos, han resuelto proceder al ajuste de un Tratado con la mira especial de obtener inmediatamente este objeto, y al efecto han nombrado respectivamente por sus Plenipotenciarios, á saber:—

La República de Chile, á Don Joaquin Tocornal, Ministro de Estado y del Despacho de Relaciones Exteriores y de Hacienda;

Y Su Majestad la Reina del Reino Unido de la Gran Bretaña é Irlanda, al Honorable Señor Juan Walpole, Consul-Jeneral de Su Majestad Británica en la República de Chile;

Quienes, habiéndose communicado mutuamente sus respectivos Plenos Poderes, y hallándolos en buena y debida forma, han acordado y concluido los Artículos siguientes:—

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ARTICLE I.

The Slave Trade having been constitutionally abolished throughout the territories of the Chilian Republick, is hereby declared to be, henceforward, totally prohibited to all the citizens of the said Republick, in all parts of the world.

ARTICULO I.

Habiéndose abolido por la Constitucion Chilena la Esclavitud en todos los territorios de la República de Chile, se declara formalmente de ahora para siempre, que el Comercio de Esclavos es totalmente prohibido á todos los ciudadanos Chilenos, en todas las partes del mundo.

ARTICLE II.

The President of the Republick of Chile especially engages, within the space of two months after the exchange of the ratifications, should the ordinary Congress then be in Session, or within two months after the first subsequent ordinary meeting of the said Congress, to promulgate a law imposing the punishment attached to piracy on all Chilian citizens who shall, under any colour or pretext, take any part whatever in the Traffick in Slaves; and he, in like manner, engages to adopt from time to time, as may become needful, the most effectual measures for preventing the citizens of the said Republick of Chile from being concerned, and the flag of that Republick from being used, in carrying on, in any way, the Traffick in Slaves.

ARTICULO II.

El Presidente de la República de Chile se obliga especialmente á promulgar en el territorio de esta, dos meses despues del canje de las ratificaciones, si el Congreso ordinario estuviere entonces reunido, ó dos meses despues de la subsiguiente reunion ordinaria del Congreso, una lei que imponga la pena de pirateria á todo ciudadano Chileno que tome parte alguna, bajo cualquier color ó pretexto, en el Comercio de Esclavos; y se obliga asi mismo á adoptar de tiempo en tiempo, segun la necesidad lo requiera, las mas eficaces medidas para impedir que los ciudadanos de la República se interesen, ó su pabellon se emplee, de modo alguno en el expresado comercio.

ARTICLE III.

Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, and the President of the Republick of Chile, hereby mutually engage, that, by an additional Convention, hereafter to be concluded between the said High Contracting Parties to the present Treaty, they will concert and settle the details of the measures by which the law of piracy, which will become applicable to that traffick by the legislation of each of the two countries, shall be immediately and reciprocally carried into execution, with respect to the vessels and subjects or citizens of each.

ARTICULO III.

El Presidente de la República de Chile, y Su Majestad la Reina del Reino Unido de la Gran Bretaña e Irlanda, se obligan mutuamente á concertar y establecer, por medio de una Convencion que se añadirá al presente Tratado, y mas adelante se ajustará entre las dichas Altas Partes Contratantes, los pormenores de las medidas conducentes á que la lei de pirateria, que se hará entonces aplicable á dicho tráfico segun la legislacion de cada uno de los dos paises, sea inmediata y reciprocamente puesta en ejecucion, con respecto á los buques y á los ciudadanos ó súbditos de cada una.

ARTICLE IV.

In order more completely to carry into effect the spirit of the present

ARTICULO IV.

Y con el fin de llevar mas cumplidamente á efecto el espiritu del

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Treaty, the two High Contracting Parties mutually consent that those ships of their navies, respectively, which shall be provided with special Instructions for that purpose, as hereinafter mentioned, may visit such merchant vessels of the two nations as may be suspected, upon reasonable grounds, of being engaged in the Traffick in Slaves, or of having been fitted out for the purposes thereof, or of having, during the voyage in which they are met by the said cruizers, been engaged in the Traffick in Slaves, contrary to the provisions of this Treaty; and that such cruizers may detain and send or carry away such vessels, in order that they may be brought to trial in the manner hereinafter agreed upon.

presente Tratado, las dos Altas Partes Contratantes se convienen en que los buques de sus respectivas armadas á los que se proveerá de Instrucciones especiales para este objeto, segun se expresará mas adelante, podrán visitar las embarcaciones mercantes de las dos naciones que con racionales fundamentos induzcan sospecha de que se ocupan en el Trafico de Esclavos, ó de que han sido equipadas con este intento, ó de que, durante el viaje en que se encuentren con los mencionados cruceros, se han empleado en el Trafico de Esclavos, contraviniendo á lo que en el presente Tratado se estipula; y convienen tambien ambas Partes Contratantes en que los referidos cruceros podrán detener dichas embarcaciones, y enviarlas ó conducirlas para ser juzgadas del modo que mas abajo se dispone.

ARTICLE V.

In order to regulate the mode of carrying the provisions of the preceding Article into execution, it is agreed:—

First. That all ships of the navies of the two nations which shall be hereafter employed to prevent the Traffick in Slaves, shall be furnished by their respective Governments with a copy, in the English and Spanish languages, of the present Treaty; of the Instructions for cruizers, annexed thereto *sub literâ* A; and of the Regulations for the Mixed Courts of Justice, annexed thereto *sub literâ* B; which Annexes shall be considered as an integral part of the Treaty.

Secondly. That each of the High Contracting Parties shall, from time to time, communicate to the other, the names of the several ships furnished with such Instructions, the force of each ship, and the names of their several commanders.

Thirdly. That if at any time there shall be just cause to suspect that any merchant vessel, sailing under the flag of either nation, and proceeding under the convoy of any ship or ships of war of either of the Contracting Parties, is engaged, or is intended to be engaged, in the Traffick in Slaves, or is fitted out for the purposes thereof, or has, during the voyage on which she may be met with, been engaged

ARTICULO V.

Para arreglar el modo de llevar á efecto las provisiones del Articulo precedente, queda convenido:—

1°. Que á todos los buques de las armadas de las dos naciones que se emplearen en impedir el Tráfico de Esclavos, se les suministrará por sus respectivos Gobiernos, en lengua Española é Inglesa, una copia del presente Tratado, de las Instrucciones para los cruceros á el anexas, y señaladas con la letra A, y del Reglamento que ha de servir de guia á los Tribunales Mixtos de Justicia, y que tambien se agrega bajo la letra B; debiendo ambos documentos considerarse como parte integrante del Tratado.

2°. Que las dos Altas Partes Contratantes comunicarán de tiempo en tiempo, la una á la otra, los nombres de los varios buques provistos con las Instrucciones susodichas, la fuerza de cada buque, y los nombres de sus respectivos comandantes.

3°. Que siempre que hubiere fundado motivo de sospechar que alguna embarcacion mercante de las que llevan la bandera y navegan bajo la escolta ó convoi de un buque ó buques de guerra de cualquiera de las Partes Contratantes, se ocupa, ó se tiene intencion de ocuparla, en el Trafico de Esclavos, ó está equipada al efecto, ó durante el viaje en que se la encontrare se ha ocupado en dicho trafico, será licito al coman-

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in the Traffick in Slaves, it shall be lawful for the commander of any ship of the navy of either of the two High Contracting Parties, furnished with such Instructions as aforesaid, to visit such merchant vessel; and such commander shall proceed to visit the same, in communication with the commanding officer of the convoy, who, it is hereby agreed, shall give every facility to the visit, and to the eventual detention of such merchant vessel; and in all things shall assist, to the utmost of his power, in the due execution of the present Treaty, according to the true intent and meaning thereof.

Fourthly. It is further mutually agreed, that the commanders of the ships of the two navies, respectively, who shall be employed on this service, shall adhere strictly to the exact tenor of the aforesaid Instructions.

dante de cualquier buque de la armada de una á otra de las dos Partes Contratantes, estando provisto de las sobredichas Instrucciones, visitar la embarcacion mercante; y el referido comandante procederá á ejecutarlo, entendiendose con el comandante del convoi, el cual (como aqui se estipula expresamente) facilitará esta visita y la detencion (si hubiere lugar á ella) de la sobredicha embarcacion mercante, y auxiliará en todo cuanto le fuere posible la puntual ejecucion del presente Tratado, segun su verdadero sentido y espiritu.

4°. Tambien queda mutuamente concertado, que los comandantes de los respectivos buques de guerra de ambas Potencias, que se emplearen en éste servicio, se atendrán estrictamente al exacto tenor de las referidas Instrucciones.

ARTICLE VI.

As the two preceding Articles are entirely reciprocal, the two High Contracting Parties engage mutually to make good any losses which their respective subjects or citizens may incur by the arbitrary and illegal detention of their vessels; it being understood that this indemnity shall invariably be borne by the Government whose cruizer shall have been guilty of such arbitrary and illegal detention; and that the visit and detention of vessels specified in Article IV of this Treaty, shall only be effected by those British or Chilian ships which may form part of the navies (royal and national) respectively, of the two High Contracting Parties to the Treaty, and by such ships only of those navies as shall be provided with the special Instructions annexed to the present Treaty, in pursuance of the provisions thereof.

The compensation for damages, of which this Article treats, shall be made within the term of one year, reckoned from the day on which the Mixed Court of Justice pronounces sentence on the vessel, for the detention of which such compensation is claimed.

ARTICULO VI.

Como los dos Articulos que preceden son enteramente reciprocos, las dos Altas Partes Contratantes se obligan mutuamente á abonar las pérdidas que sus respectivos ciudadanos ó súbditos experimenten por la arbitraria e ilegal detencion de sus embarcaciones; en la intelijencia de que la indemnizacion será invariablemente satisfecha por el Gobierno cuyo crucero haya incurrido en dicha arbitraria e ilegal detencion; y que la visita y detencion de embarcaciones, de que se hace mencion en el Articulo IV de este Tratado, solo podrán efectuarse por los buques Chilenos é Ingleses que formen parte de las respectivas armadas, real y nacional, de las dos Altas Partes Contratantes, y que ademas se hallen provistos de las Instrucciones especiales anexas á éste Tratado, con arreglo á lo que en el se estipula.

La indemnizacion de perjuicios de que trata este Articulo, se hará en el término de un año, contado desde el dia en que el respectivo Tribunal Mixto pronunciare sentencia sobre la embarcacion, por cuya captura se reclama la indemnizacion.

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ARTICLE VII.

In order to bring to adjudication with as little delay and inconvenience as possible, the vessels which may be detained according to the tenor of Article IV of this Treaty, there shall be established, within the space of a year at furthest from the exchange of the ratifications of the present Treaty, two Mixed Courts of Justice, formed of an equal number of individuals of the two nations, named for this purpose by the two High Contracting Parties, respectively.

These Courts shall reside, one in a possession belonging to Her Britannick Majesty, the other within the territories of the Republick of Chile; and the two Governments, at the period of the exchange of the ratifications of the present Treaty, shall declare, each for its own territories, in what places the Courts shall respectively reside; each of the two High Contracting Parties reserving to itself the right of changing, at its pleasure, the place of residence of the Court held within its own territories; provided however, that one of the two Courts shall always be held upon the coast of Africa, and the other in one of the possessions of the Republick of Chile.

These Courts shall judge the causes submitted to them, according to the provisions of the present Treaty, without appeal, and according to the Regulations and Instructions which are annexed to the present Treaty, and which are considered as forming an integral part thereof.

ARTICULO VII.

Para proceder con el menor retardo y perjuicio posible á la adjudicacion de las embarcaciones que sean detenidas con arreglo al tenor del Articulo IV de este Tratado, se establecerán en el espacio de un año, á mas tardar, contado desde el canje de las ratificaciones, dos Tribunales Mixtos de Justicia, formados de un número igual de individuos de las dos naciones, nombrados á este fin por los respectivos Gobiernos de las dos Altas Partes Contratantes.

Estos Tribunales residirán, el uno en el territorio de la República de Chile, y el otro en una posesion perteneciente á Su Majestad Británica; y los dos Gobiernos, al tiempo del canje de las ratificaciones del presente Tratado, declararán en que paraje de sus respectivos territorios han de residir estos Tribunales; bien entendido que cada una de las dos Altas Partes Contratantes se reserva el derecho de variar á su arbitrio, el lugar de la residencia del Tribunal que esté en ejercicio en su territorio; pero con la precisa condicion de que uno de los dos Tribunales residirá en algun punto de las posesiones de la República de Chile, y el otro en la costa de Africa.

Estos Tribunales juzgarán las causas que se les sometan con arreglo á las estipulaciones del presente Tratado; y sus sentencias serán sin apelacion, y de conformidad con los Reglamentos é Instrucciones anexas á él, que se consideran como parte integrante del mismo.

ARTICLE VIII.

If the commanding officer of any of the ships of the navies of Great Britain and of Chile, respectively, duly commissioned according to the provisions of Article IV of this Treaty, shall deviate, in any respect, from the stipulations of the said Treaty, or from the Instructions annexed to it, the Government which shall conceive itself to be wronged thereby, shall be entitled to demand reparation; and, in such case, the Government to which such commanding officer may belong, binds itself to cause inquiry to be made

ARTICULO VIII.

Si el oficial comandante de cualquiera de los buques de las respectivas armadas Chilena y Británica, comisionado en debida forma segun lo que en el Articulo IV de este Tratado se ha provisto, se desviare un alguna manera de las estipulaciones del mismo, ó de las Instrucciones á él anexas, el Gobierno que por ello se juzgue agraviado, tendrá derecho á pedir una reparacion; y en tal caso, el Gobierno á que dicho oficial comandante pertenezca, se obliga á mandar hacer indagacion del hecho que motive la queja, y á

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into the subject of the complaint, and to inflict upon the said officer a punishment proportioned to any wilful transgression which he may have committed.

imponer al mencionado oficial una pena proporcionada á la transgresion voluntaria que hubiere cometido.

ARTICLE IX.

It is hereby further mutually agreed, that every merchant-vessel, British or Chilian, which shall be visited by virtue of the present Treaty, may lawfully be detained, and be sent or brought before the Mixed Courts of Justice established in pursuance of the provisions thereof, if in her equipment there shall be found any of the things hereinafter mentioned, namely:—

First. Hatches with open gratings, instead of the close hatches which are usual in merchant-vessels.

Secondly. Divisions or bulkheads in the hold or on deck, in a greater number than are necessary for vessels engaged in lawful trade.

Thirdly. Spare plank, fitted for being laid down as a second, or slave-deck.

Fourthly. Shackles, bolts, or handcuffs.

Fifthly. A larger quantity of water, in casks or in tanks, than is requisite for the consumption of the crew of the vessel, as a merchant-vessel.

Sixthly. An extraordinary number of water-casks, or of other vessels for holding liquid; unless the master shall produce a certificate from the custom-house at the place from which he cleared outwards, stating that a sufficient security had been given by the owners of such merchant-vessel, that such extra quantity of casks or of other vessels, should only be used for the reception of palm oil, or for other purposes of lawful commerce.

Seventhly. A greater quantity of mess-tubs, or kids, than are requisite for the use of the crew of the vessel, as a merchant-vessel.

Eighthly. A boiler of an unusual size, and larger, or fitted for being made larger, than requisite for the use of the crew of the vessel, as a merchant-vessel; or more than one boiler of the ordinary size.

ARTICULO IX.

Queda ademas mutuamente convenido, que toda embarcacion mercante Chilena ó Británica que sea visitada en virtud del presente Tratado, pueda ser legalmente detenida, y enviada ó conducida ante los Tribunales Mixtos de Justicia establecidos con arreglo á lo que en él se ha provisto, siempre que en su equipo se encuentren algunos de los enseres siguientes:—

1°. Escotillas con redes abiertas, en lugar de las escotillas cerradas que se usan en las embarcaciones mercantes.

2°. Separaciones ó divisiones en la bodega ó sobre cubierta, en mayor número que el necesario para los buques destinados á un trafico legal.

3°. Tablones de repuesto, preparados para formar una segunda cubierta, o entre-puente de esclavos.

4°. Cadenas, grillos, y manillas.

5°. Una cantidad de agua en vasijas ó cubas, mayor que la necesaria para el consumo de la tripulacion de la nave, en su calidad de nave mercante.

6°. Un número extraordinario de barriles, ó de otra clase de vasijeria para contener liquidos; á menos que el capitan exhiba un certificado de la aduana del paraje de su procedencia, en que conste haberse dado por los propietarios de dicha embarcacion mercante, suficientes seguridades de que esta superabundante cantidad de barriles ó vasijas se emplearia tan solamente en el transporte de aceite de palma, ó de otros objetos de licito comercio.

7°. Una cantidad de calderas ó vasijas de rancho, mayor de la que se requiere para el uso de la tripulacion de la nave, en su calidad de nave mercante.

8.° Una caldera de un tamaño extraordinario, y cuya magnitud sea, ó pueda por su construccion hacerse, mayor de lo que se requiere para el uso de la tripulacion de la nave, como nave mercante; ó mas de una caldera de tamaño ordinario.

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Ninthly. An extraordinary quantity either of rice, of the flour of Brazil, manioc or cassada, commonly called farinha; of maize or Indian corn, or of any other article of food whatever, beyond what might probably be required for the use of the crew; such rice, flour, maize, Indian corn, or other article of food, not being entered on the manifest as part of the cargo for trade.

Tenthly. A quantity of mats or matting, greater than is necessary for the use of the crew of the vessel, as a merchant-vessel.

Any one or more of these several things, if proved, shall be considered as *primâ facie* evidence of the actual employment of the vessel in the Slave Trade; and the vessel shall thereupon be condemned and be declared lawful prize, unless clear and incontestible evidence on the part of the master or owners shall establish, to the satisfaction of the Court, that such vessel was, at the time of her detention or capture, employed in some legal pursuit, and that such of the several things above enumerated, as were found on board her at the time of her detention, or had been put on board on the voyage on which the vessel, when captured, was proceeding, were needed for legal purposes on that particular voyage.

9°. Una cantidad extraordinaria de arroz, ó de harina del Brasil, manioco ó casabe, vulgarmente llamado farina; ó de maiz, ó de cualquier otro comestible, de manera que exceda á la que probablemente seria necesaria para el uso de la tripulacion; siempre que dicho arroz, harina, maiz, ú otro comestible, no se designe en el manifiesto como parte del cargamento en que se comercia.

10°. Una cantidad de petates ó esteras, mayor que la necesaria para el uso de la tripulacion de la nave, como nave mercante.

Verificándose alguna ó algunas de estas cosas, se considerarán como pruebas *primâ facie* de que la embarcacion se ocupa actualmente en el Comercio de Negros; y la embarcacion en esta virtud será condenada y declarada buena presa, á menos que el capitan ó los dueños de ella prueben de un modo claro e incontestable, á satisfaccion del Tribunal, que la embarcacion, al tiempo de su detencion ó captura, se hallaba empleada en alguna especulacion legal: y que aquellos de los articulos arriba enumerados, que se hubiesen encontrado en ella al tiempo de la detencion, ó que hubiesen sido puestos á su bordo en el viaje que dicha embarcacion hacia cuando fué detenida, se necesitaban para objetos legales en aquel particular viaje.

ARTICLE X.

If any of the things specified in the preceding Article shall be found in any merchant-vessel, no compensation for losses, damages, or expenses consequent upon the detention of such vessel, shall in any case be granted, either to her master or to her owner, or to any other person interested in her equipment or lading, even though the Mixed Court of Justice should not pronounce any sentence of condemnation in consequence of her detention: the intention of the two High Contracting Parties, in agreeing to this stipulation, being to discourage, by all the means at their disposal, the embarkation of stores of the class enumerated in the foregoing Article, under any pretext, or for whatever purpose they may be intended, and which, though dis-

ARTICULO X.

Si alguno de los objetos especificados en el Articulo anterior se hallare á bordo de alguna embarcacion mercante, ni el capitan, ni el propietario, ni otra persona alguna interesada en el equipo ó cargamento de la embarcacion, tendrá derecho á reclamar indemnizacion de daños, perjuicios, ó gastos, aun cuando el Tribunal Mixto no haya pronunciado sentencia de condenacion en la causa: siendo la intencion de las dos Altas Partes Contratantes, al acordar esta estipulacion, desfavorecer, por todos los medios que estan á su alcance, el embarque de efectos de las clases enumeradas en el precedente Articulo, bajo cualquier pretesto, y con cualquier fin que se haga; los cuales, aun en el caso de hallarse abordo de una embarcacion que no se ocupe actualmente, ó no

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covered on board of a vessel not actually engaged, or to be employed, in the Traffick in Slaves, may be surreptitiously converted to the furtherance of the iniquitous designs of those who are, or may hereafter be so, in contravention of the provisions of this Treaty.

se piense ocupar, en el Tráfico de Esclavos, pueden surrepticiamente emplearse en los inicuos objetos de los que hacen dicho tráfico, en contravencion á las provisiones del presente Tratado.

ARTICLE XI.

It is hereby agreed between the two High Contracting Parties, that in all cases in which a vessel shall be detained, under this Treaty, by their respective cruizers, as having been engaged in the Slave Trade, or as having been fitted out for the purposes thereof, and shall consequently be adjudged and condemned by the Mixed Courts of Justice to be established as aforesaid, the said vessel shall, immediately after its condemnation, be broken up entirely, and shall be sold in separate parts, after having been so broken up.

ARTICULO XI.

Las dos Altas Partes Contratantes han convenido en que, siempre que en virtud de este Tratado, se detenga un buque por sus respectivos cruceros, bien por haberse empleado en el Tráfico de Esclavos, ó bien por hallarse equipado para dicho objeto, y en consecuencia sea juzgado y condenado por los Tribunales Mixtos de Justicia que han de establecerse segun lo arriba dicho, el tal buque sera hecho pedazos inmediatamente despues de condenado, y se procederá á su venta por trozos separados.

ARTICLE XII.

The Negroes who are found on board of a vessel detained by a cruizer, and condemned by the Mixed Courts of Justice, in conformity with the stipulations of this Treaty, shall be placed at the disposition of the Government whose cruizer has made the capture, on the distinct understanding that they shall be immediately set at liberty and kept free; the Government to which they have been delivered guaranteeing the same, and likewise engaging to afford from time to time, and whenever demanded by the other High Contracting Party, the fullest information as to the state and condition of such Negroes, with a view of ensuring the due execution of the Treaty in this respect.

For this purpose, the Regulations annexed to this Treaty, *sub literâ* C, as to the treatment of Negroes liberated by sentence of the Mixed Courts of Justice, have been drawn up, and are declared to form an integral part of this Treaty. The two High Contracting Parties reserve to themselves the right to alter or suspend, by common consent and mutual agreement,

ARTICULO XII.

Los Negros que se encontraren á bordo de una embarcacion detenida por un crucero, y condenada por uno de los Tribunales Mixtos de Justicia, de conformidad con las estipulaciones del presente Tratado, se pondrán á disposicion del Gobierno cuyo crucero haya hecho la presa, en la expresa intelijencia de que serán inmediatamente restituidos á la libertad, y mantenidos en el goce de ella; comprometiendose á ello el Gobierno á quien se entregaren, y obligandose ademas á exhibir de tiempo en tiempo, y siempre que asi lo requiera la otra Alta Parte Contratante, la mas cabal noticia del estado y condicion de dichos Negros, á fin de asegurar la debida observancia del Tratado.

Con el propio fin, se ha extendido el Reglamento anexo á este Tratado bajo la letra C, concerniente al trato de los Negros emancipados por sentencia de los Tribunales Mixtos, y se declara que dicho Reglamento forma parte integrante de este Tratado: reservándose las dos Altas Partes Contratantes el derecho de alterar y suspender, de comun acuerdo y mutuo consenti-

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but not otherwise, the terms and tenor of such Regulations.

miento, pero no de otro modo, los terminos y tenor del referido Reglamento.

ARTICLE XIII.

The Acts or Instruments annexed to this Treaty, and which it is mutually agreed shall form an integral part thereof, are as follows:

A. Instructions for the ships of the navies of both nations, destined to prevent the Traffick in Slaves.

B. Regulations for the Mixed Courts of Justice which are to hold their sittings on the coast of Africa, and in one of the possessions of the Republick of Chile.

C. Regulations as the treatment of liberated Negroes.

ARTICULO XIII.

Los Actos ó Instrumentos anexos al presente Tratado, y que, segun se ha convenido, deberán formar parte integrante de él, son los siguientes:

A. Instrucciones para los buques de las armadas de ambas naciones, destinados á impedir el Tráfico de Esclavos.

B. Reglamento para los Tribunales Mixtos de Justicia que han de celebrar sus sesiones en el territorio de la República de Chile, y en la costa de Africa.

C. Reglamento sobre el modo de tratar á los Negros emancipados.

ARTICLE XIV.

The present Treaty, consisting of fourteen Articles, shall be ratified, and the ratifications thereof exchanged at Santiago, as soon as possible within the space of twelve months from this date.

In witness whereof, the respective Plenipotentiaries have signed, in triplicate originals, English and Spanish, the present Treaty, and have thereunto affixed the seal of their arms.

Done at Santiago de Chile, this nineteenth day of January, in the year of our Lord one thousand eight hundred and thirty-nine.

(L.S.) JOHN WALPOLE.
(L.S.) JOAQUIN TOCORNAL.

ARTICULO XIV.

El presente Tratado, que consta de catorce Articulos, será ratificado, y sus ratificaciones canjeadas en Santiago, lo mas pronto posible dentro del termino de doce meses contados desde el dia de la fecha.

En testimonio de lo cual, los respectivos Plenipotenciarios han firmado, por triplicado, ejemplares del presente Tratado, en Español y en Ingles, y los han sellado con sus armas.

Fecho en la Ciudad de Santiago, á diez y nueve dias del mes de Enero, del año de nuestro Señor mil ochocientos treinta y nueve.

(L.S.) JOAQUIN TOCORNAL.
(L.S.) JOHN WALPOLE.

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ANNEX A.

to the Treaty between Great Britain and the Republick of Chile, for the Abolition of the Traffick in Slaves.

Instructions for the Ships of the British and Chilian Navies, employed to prevent the Traffick in Slaves.

ARTICLE I.

The commander of any ship belonging to the navy of Her Britannick Majesty, or of the Republick of Chile, which shall be furnished with these Instructions, shall have a right to visit, search, and detain, any British or Chilian merchant-vessel, which shall be actually engaged, or which shall be suspected to be engaged, in the Slave Trade, or to be fitted out for the purposes thereof, or to have been engaged in the Traffick in Slaves during the voyage in which she may be met with by such ship of the British or Chilian navy; and such commander shall thereupon bring or send such merchant-vessel, as soon as possible, for judgment before that one of the two Mixed Courts of Justice established in virtue of Article VII of the said Treaty, which shall be the nearest to the place of detention, or which such commander shall, upon his own responsibility, think can be soonest reached from such place.

ARTICLE II.

Whenever a ship of either of the said navies, duly authorized as aforesaid, shall meet a merchantman liable to be visited under the provisions of the said Treaty, the search shall be conducted in the mildest manner, and with every attention which ought to be observed between allied and friendly nations; and the search shall, in all cases, be made by an officer holding a rank not lower than that of lieutenant in the navy of Great Britain or Chile, respectively, (unless the-

ADICION A.

al Tratado entre la República de Chile y Su Majestad la Reina del Reino Unido de la Gran Bretaña é Irlanda, para la Abolicion del Tráfico de Esclavos.

Instrucciones para los Buques de las Armadas Chilena y Británica, destinados á impedir el Tráfico de Esclavos.

ARTICULO I.

El comandante de cualquier buque de guerra perteneciente á la armada Chilena ó Británica, que se halle provisto de estas Instrucciones, tendrá derecho de visitar, registrar, y detener cualquiera embarcacion mercante Chilena ó Británica que actualmente estuviere empleada en el Comercio de Esclavos, ó que induzca sospecha de estarlo, ó de haberse equipado al efecto, ó de haberse empleado en dicho Tráfico durante el viaje en que la encontrare el referido buque de guerra de la armada Chilena ó Británica; y el sobredicho comandante conducirá en consecuencia, ó enviará la embarcacion mercante, lo mas pronto posible, para que sea juzgada, ante uno de los Tribunales Mixtos de Justicia establecidos en virtud del Articulo VII de este Tratado; prefiriéndose el Tribunal que estuviere mas cerca del paraje de la detencion, ó al que dicho comandante crea, bajo su responsabilidad, que puede arribarse mas pronto desde el mismo paraje.

ARTICULO II.

Siempre que el comandante de un buque de cualquiera de ambas armadas, debidamente autorizado del modo que arriba se expresa, encontrare una embarcacion mercante que haya de visitarse con arreglo á las estipulaciones del Tratado, se verificará el rejistro con la mayor moderacion, y con todos los miramientos que deben observarse entre naciones aliadas y amigas; ejecutándolo en todos casos un oficial de no menor graduacion que la de teniente de la respectiva armada Chi-

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command shall, by reason of death, or otherwise, be held by an officer of inferior rank,) or by the officer who, at the time, shall be second in command of the ship by which such search is made.

lena ó Británica, (á menos que por muerte ó por otro motivo haya recaido el mando en otro oficial de inferior grado,) ó el oficial que á la sazon sea segundo comandante del buque que haga el rejistro.

ARTICLE III.

The commander of any ship of the two navies, duly authorized as aforesaid, who may detain any merchant-vessel in pursuance of the tenor of the present Instructions, shall leave on board the vessel so detained, the master, the mate, or boatswain, and two or three, at least, of the crew thereof; the whole of the Slaves, if any; and all the cargo.

The captor shall, at the time of detention, draw up, in writing, an authentic declaration, which shall exhibit the state in which he found the detained vessel; such declaration to be signed by himself, and to be given in or sent, together with the captured vessel, to the Mixed Court of Justice before which such vessel shall be carried or sent for adjudication.

He shall deliver to the master of the detained vessel, a certified list of the papers seized on board the same, as well as of the number of Slaves found on board at the moment of detention.

In the authenticated declaration which the captor is hereby required to make, as well as in the certified list of the papers seized, he shall insert his own name, the name of the capturing ship, the latitude and longitude of the place where the detention shall have taken place, and the number of Slaves found on board the vessel at the time of the detention.

The officer in charge of the vessel detained, shall, at the time of his bringing the vessel's papers into the Mixed Court of Justice, deliver in to the Court a paper, signed by himself, and verified on oath, stating any changes which may have taken place in respect to the vessel, her crew, the Slaves, (if any,) and her cargo, between the period of her detention, and the time of deliveriug in such paper.

ARTICULO III.

El comandante de cualquier buque de una ú otra de las dos armadas, debidamente autorizado segun lo arriba dicho, que detuviere una embarcacion mercante con arreglo al tenor de las presentes Instrucciones, dejará á bordo de ella al capitan, al piloto ó contra-maestre, y á dos ó tres, á lo menos, de su tripulacion; todos los Esclavos, si algunos hubiere; y toda la carga.

El aprehensor, al tiempo de la detencion, extenderá por escrito una declaracion auténtica, en la que se manifieste el estado en que se encontró la embarcacion detenida, firmando él mismo la declaracion, y entregándola ó enviándola, junto con la embarcacion detenida, al Tribunal Mixto de Justicia á que la dicha embarcacion fuere conducida ó enviada para su adjudicacion.

El aprehensor entregará ademas al capitan de la embarcacion una lista, certificada bajo su firma, de los papeles tomados á bordo, y del número de Esclavos que se hubiere encontrado en ella al momento de la detencion.

En la declaracion auténtica que el aprehensor queda por el presente Articulo obligado á hacer, é igualmente en la lista certificada de los papeles tomados, se expresará su propio nombre y apellido, el nombre del buque aprehensor, la latitud y lonjitud del paraje en que se hubiere efectuado la detencion, y el número de Esclavos que se hubiere hallado á bordo de la embarcacion mercante al tiempo de la detencion.

El oficial encargado de conducir la embarcacion detenida, entregará al Tribunal Mixto de Justicia, al tiempo de presentarle los papeles de aquella, un documento bajo su firma, en el que exprese con juramento, las variaciones que hayan ocurrido respecto á la embarcacion, á su tripulacion, á los Esclavos, si los hubiere, y á su cargamento, en el tiempo transcurrido desde su detencion hasta la entrega de dicho documento.

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ARTICLE IV.

The Slaves shall not be disembarked till after the vessel which contains them shall have arrived at the place of adjudication; in order that, in the event of the vessel not being adjudged legal prize, the loss of the proprietors may be more easily repaired; and even after the Slaves have arrived at such place, they are not to be landed without the permission of the Mixed Court of Justice.

But if urgent reasons, deduced from the length of the voyage, from the state of health of the Slaves, or from other causes, should require that either the whole or a portion of the Negroes should be disembarked before the vessel can arrive at the place at which one of the said Courts is established, the commander of the capturing ship may take upon himself the responsibility of so disembarking the Negroes, provided that such necessity, and the causes thereof, be stated in a certificate in proper form, and that this certificate be entered at the time, on the log-book of the detained vessel.

ARTICULO IV.

Los Esclavos no se desembarcarán hasto tanto que la embarcacion que los conduzca haya llegado al lugar donde vá á ser juzgada; á fin de que si sucediere que la embarcacion no fuere declarada buena presa, pueda resarcirse mas facilmente la pérdida de los propietarios; y aun despues de la llegada de los Esclavos á dicho lugar, no serán estos desembarcados sin que preceda al efecto la licencia del Tribunal Mixto de Justicia.

Pero si motivos urjentes, orijinados ó de lo largo del viaje, ó del estado de salud de los Esclavos, ó de otras causas, exijieren que todos los Negros, ó parte de ellos, se desembarquen antes de que la embarcacion llegue al lugar de la residencia de uno de los referidos Tribunales, el comandante del buque aprehensor podrá tomar sobre si la responsabilidad de este desembarco, con tal que la necesidad y causas de ello se expresen en un certificado en debida forma, y que este certificado se extienda, llegado que sea el caso, en el libro de navegacion de la embarcacion detenida.

The Undersigned Plenipotentiaries have agreed, in conformity with Article XIII of the Treaty signed by them on this day, the nineteenth of January, 1839, that the preceding Instructions, consisting of four Articles, shall be annexed to the said Treaty, and be considered as an integral part thereof.

The nineteenth day of January, one thousand eight hundred and thirty-nine.

(L.S.) JOHN WALPOLE.
(L.S.) JOAQUIN TOCORNAL.

Los Infrascritos Plenipotenciarios han convenido, de conformidad con el Articulo XIII del Tratado firmado por ellos el dia de hoy, diez y nueve de Enero de mil ochocientos treinta y nueve, que las presentes Instrucciones, compuestas de cuatro Articulos, correrán anexas á dicho Tratado, y serán consideradas como parte integrante de él.

Enero diez y nueve, de mil ochocientos treinta y nueve.

(L.S.) JOAQUIN TOCORNAL.
(L.S.) JOHN WALPOLE.

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ANNEX B.

to the Treaty between Great Britain and the Republick of Chile, for the Abolition of the Traffick in Slaves.

Regulations for the Mixed Courts of Justice which are to reside on the Coast of Africa, and in the Possessions of the Republick of Chile.

ARTICLE I.

The Mixed Courts of Justice to be established under the provisions of the Treaty, of which these Regulations are declared to be an integral part, shall be composed in the following manner. Each of the two High Contracting Parties shall name a judge and an arbitrator, who shall be authorized to hear, and to decide without appeal, all cases of the capture or detention of vessels which, in pursuance of the stipulations of the aforesaid Treaty, shall be brought before them. The judges and the arbitrators shall, before entering upon the duties of their office, respectively make oath before the principal magistrate of the places in which such Courts respectively shall reside, that they will judge fairly and faithfully; that they will have no preference, either for the claimants or the captors; and that they will act, in all their decisions, in pursuance of the stipulations of the aforesaid Treaty.

There shall be attached to each of such Courts a secretary or registrar, who shall be appointed by the Government of the country within the territories of which such Court shall reside. Such secretary or registrar shall register all the acts of such Court, and shall, before he enters upon his office, make oath before the Court to which he is appointed, that he will conduct himself with due respect for its authority, and will act with fidelity and impartiality in all matters relating to his said office.

The salary of the secretary or registrar of the Court to be established on the coast of Africa, shall be paid by Her Britannick Majesty; and that of the secretary or registrar of the Court to be established

ADICION B.

al Tratado entre la República de Chile y Su Majestad la Reina del Reino Unido de la Gran Bretaña é Irlanda, para la Abolicion del Trafico de Esclavos.

Reglamento para los Tribunales Mixtos de Justicia que han de residir en el Territorio de la República de Chile, y en la Costa de Africa.

ARTICULO I.

Los Tribunales Mixtos de Justicia que se han de establecer en virtud de las estipulaciones del Tratado de que este Reglamento se declara ser parte integrante, se compondrán de la manera siguiente. Cada una de las dos Altas Partes Contratantes nombrará un juez y un árbitro autorizados para examinar y sentenciar, sin apelacion, todos los casos de captura ó detencion de embarcaciones que, con arreglo á las estipulaciones del sobredicho Tratado, sean conducidas ante ellos. Estos jueces y árbitros, antes de entrar en el ejercicio de sus funciones, se obligarán por juramento, que prestarán ante el majistrado superior del lugar en donde los respectivos tribunales residan, á juzgar leal y fielmente, á no mostrar parcialidad á favor de los aprehendidos ni de los aprehensores, y á observar en todas sus sentencias, las estipulaciones del sobredicho Tratado.

A cada uno de los Tribunales Mixtos se agregará un secretario ó actuario, nombrado por el Gobierno del pais en que dicho Tribunal residiere. Este secretario ó actuario extenderá los procedimientos del Tribunal, y ántes de entrar en el ejercicio de sus funciones, prestará juramento, ante el Tribunal á que se le destine, de conducirse con el debido respeto á la autoridad del mismo Tribunal, y de obrar fiel é imparcialmente en todo cuanto concierna á su cargo.

El sueldo del secretario ó actuario del Tribunal que se establezca en el territorio Chileno, será pagado por la República de Chile; y el del secretario ó actuario del Tribunal que se establezca en la costa de

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n the possessions of the Republick of Chile, shall be paid by the Government of that Republick.

Each of the Governments shall defray half of the aggregate amount of the incidental expenses of such Courts.

Africa, será pagado por Su Majestad Británica.

Cada uno de los dos Gobiernos satisfará la mitad del importe total de los gastos continjentes de los expresados Tribunales Mixtos.

ARTICLE II.

The expenses incurred by the officer charged with the reception, maintenance, and care of the detained vessel, Slaves, and cargo, and with the execution of the sentence; and all disbursements occasioned by bringing a vessel to adjudication, shall, in case of condemnation, be defrayed from the funds arising from the sale of the materials of the broken up vessel, of the ship's stores, and of such parts of the cargo as shall consist of merchandize; and, in case the proceeds arising from this sale should not prove sufficient to defray such expenses, the deficiency shall be made good by the Government of the country within whose territories the adjudication shall have taken place.

If the detained vessel shall be released, the expenses occasioned by bringing her to adjudication, shall be defrayed by the captor, excepting in the cases specified and otherwise provided for under Article X of the Treaty to which these Regulations form an Annex, and under Article VII of these Regulations.

ARTICULO II.

Los gastos hechos por el oficial encargado de recibir, mantener, y cuidar la embarcacion detenida, sus Esclavos y cargamento, y de la ejecucion de la sentencia, y todos los desembolsos que se hicieren para conducir una embarcacion á ser juzgada, serán satisfechos, en el caso de ser condenada, de los fondos producidos por la venta de los materiales de la embarcacion hecha pedazos, de los enseres de la embarcacion, y de la parte de su cargamento que consista en mercancias. Si los productos de esta venta no fueren suficientes para satisfacer los mencionados gastos, se abonará el deficit por el Gobierno del pais en cuyo territorio se haya adjudicado la embarcacion.

Y dado caso que la embarcacion detenida fuere absuelta, los gastos que haya ocasionado su conduccion ante el Tribunal respectivo, se satisfarán por el aprehensor, salvo en los casos en que se ha dispuesto otra cosa, especificados en el Articulo X del Tratado de que este Reglamento forma parte, y en el Articulo VII de este mismo Reglamento.

ARTICLE III.

The Mixed Courts of Justice are to decide upon the legality of the detention of such vessels as the cruizers of either nation shall, in pursuance of the said Treaty, detain.

The Courts shall judge definitively and without appeal, all questions which shall arise out of the capture and detention of such vessels.

The proceedings of these Courts shall take place with as little delay as possible; and, for this purpose, the Courts are required to decide each case, as far as may be practicable, within the space of twenty

ARTICULO III.

Los Tribunales Mixtos de Justicia decidirán de la legalidad de la detencion de las embarcaciones que los cruceros de una ú otra nacion aprehendan en cumplimiento del sobredicho Tratado.

Estos Tribunales juzgarán definitivamente y sin apelacion, todas las cuestiones á que dén lugar la captura y detencion de las embarcaciones.

Los procedimientos judiciales de estos Tribunales se efectuarán con la menor demora que fuere posible; y con este fin, se les encarga que, en cuanto sea practicable, decidan cada caso en el término de veinte dias

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days, to be dated from the day on which the detained vessel shall have been brought into the port where the deciding Court shall reside.

The final sentence shall not, in any case, be delayed beyond the period of two months, either on account of the absence of witnesses, or for any other cause; except upon the application of any of the parties interested, in which case, upon such party or parties giving satisfactory security that they will take upon themselves the expense and risks of the delay, the Courts may, at their discretion, grant an additional delay, not exceeding four months. Either party shall be allowed to employ such counsel as he may think fit, to assist him in the conduct of his cause.

All the essential parts of the proceedings of the said Courts shall be written down in the language of the country in which the Courts shall respectively reside.

contados desde el de la entrada de la embarcacion aprehendida en el puerto donde residiere el Tribunal que deba juzgarla.

En ningun caso tardará la sentencia definitiva mas de dos meses, ya sea por ausencia de testigos, ó por otra causa cualquiera, salvo cuando alguna ó algunas de las partes interesadas lo soliciten; en cuyo caso, presentándose por la dicha parte ó partes interesadas las competentes fianzas de tomar sobre si los gastos y riesgos de la dilacion, los Tribunales podrán conceder á su advitrio, una nueva demora que no pase de cuatro meses. Cada parte tendrá la facultad de emplear, para que la dirija en los trámites de la causa á los letrados que guste.

Todas las actuaciones ó procedimientos esenciales de los mencionados Tribunales se extenderán por escrito en la lengua del pais donde resida el Tribunal respectivo.

ARTICLE IV.

The form of the process shall be as follows:—

The judges appointed by the two nations, respectively, shall, in the first place, proceed to examine the papers of the detained vessel, and to take the depositions of the master or commander, and of two or three, at least, of the principal individuals on board such vessel; as well as the declaration, on oath, of the captor, should such declaration appear necessary, to enable them to judge and to pronounce whether the said vessel has been justly detained or not, according to the stipulations of the aforesaid Treaty; so that, according to the judgment pronounced, the vessel may be condemned or released.

In the event of the two judges not agreeing as to the sentence which they ought to pronounce in any case brought before them, either with respect to the legality of the detention, the liability of the vessel to condemnation, or the compensation to be allowed, or as to any other question which may arise out of the said capture; or if any difference of opinion should arise between them as to the mode of proceeding in the said Court, they shall draw

ARTICULO IV.

El modo de enjuiciar será como sigue:—

Los jueces nombrados respectivamente por cada una de las dos naciones, procederán ante todas cosas á examinar los papeles de la embarcacion aprehendida, y á tomar las declaraciones del capitan ó comandante, y de dos ó tres, al menos, de los principales individuos que se hubieren hallado á bordo de ella; y si lo creyeren necesario, tomarán tambien declaracion jurada al aprehensor; para que tengan los medios de juzgar y fallar si dicha embarcacion ha sido justa ó injustamente aprehendida, con arreglo á las estipulaciones del Tratado susodicho; de manera que la embarcacion sea condenada ó absuelta en virtud de este juicio.

Si sucediere que los dos jueces no estén acordes acerca de la sentencia que deban pronunciar en el caso sometido á su deliberacion, ya sea en cuanto á la legalidad de la detencion, ya en cuanto á si la embarcacion está en el caso de ser condenada, ya sobre la indemnizacion que haya de darsele, ó sobre cualquier otra duda ó cuestion que emane de la susodicha captura; ó si se suscitase entre ellos diverjencia de opiniones acerca del modo de proceder

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by lot the name of one of the two arbitrators appointed as aforesaid; which arbitrator, after having considered the proceedings which have taken place, shall consult with the two above-mentioned judges, and the final sentence or decision shall be pronounced conformably to the opinion of the majority of the three.

del Tribunal; sacarán á la suerte el nombre de uno de los dos árbitros establecidos como arriba se expresa; y este árbitro, despues de examinados los procedimientos que se hayan verificado, conferenciará sobre el caso con los dos sobredichos jueces, y la sentencia ó fallo definitivo se pronunciará con arreglo al dictamen de la mayoria de los tres.

ARTICLE V.

If the detained vessel shall be restored by the sentence of the Court, the vessel and the cargo, in the state in which they shall then be found, shall forthwith be given up to the master, or to the person who represents him; and such master or other person may, before the same Court, claim to have a valuation made, in order to ascertain the amount of the damages to which he shall be entitled. The captor himself, and, in his default, his Government, shall remain responsible for the damages which may definitively be pronounced to be due to the master of such vessel, or to the owners of the vessel, or of her cargo.

The two High Contracting Parties bind themselves to pay, within the term of a year from the date of the sentence, the costs and damages which may be awarded by the above-named Court; it being mutually understood and agreed, that such costs and damages shall be made good by the Government of the country of which the captor shall be a subject or citizen.

ARTICULO V.

Si la embarcacion detenida fuere restituida por sentencia del Tribunal, ella y su cargamento, en el estado en que entónces se encuentren, se entregarán al capitan, ó á la persona que le represente; y dicho capitan, ó la persona que haga sus veces, podrá reclamar ante el mismo Tribunal, la valuacion de los perjuicios cuyo resarcimiento tenga derecho de pedir. El aprehensor, y á falta de este, su Gobierno, quedará responsable al pago de los perjuicios á que definitivamente hayan sido declarados acreedores el capitan de la embarcacion, ó los propietarios de la misma, ó de su carga.

Las dos Altas Partes Contratantes se obligan á satisfacer, dentro del término de un año contado desde la fecha de la sentencia, las costas y perjuicios cuya compensacion haya sido concedida por el susodicho Tribunal; quedando mutuamente entendido y convenido, que estas costas y perjuicios serán abonados por el Gobierno del pais de que el aprehensor sea ciudadano ó subdito.

ARTICLE VI.

If the detained vessel shall be condemned, she shall be declared lawful prize, together with her cargo, of whatever description it may be, with the exception of the Slaves who shall have been brought on board for the purposes of commerce; and the said vessel, in conformity with the regulations in Article XI of the Treaty of this date, shall, as well as her cargo, be sold by public sale for the profit of the two Governments, subject to the payment of the expenses hereinbefore mentioned.

ARTICULO VI.

Si la embarcacion aprehendida fuere condenada, será declarada buena presa, junto con su cargamento, de cualquier naturaleza que este sea, á excepcion de los esclavos que hayan sido conducidos á su bordo con el objeto de traficar en ellos; y dicha embarcacion, de conformidad con las reglas del Articulo XI del Tratado de esta fecha, será vendida, igualmente que su cargamento, en pública subhasta, á beneficio de ambos Gobiernos, despues de satisfechos los gastos que arriba se expresan.

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The Slaves shall receive from the Court a certificate of emancipation; and shall be delivered over to the Government to whom belongs the cruizer which made the capture, to be dealt with according to the regulations and conditions contained in the Annex to this Treaty *sub literâ* C.

The charges incurred for the support and for the return voyage of the commanders and crews of condemned vessels, shall be defrayed by the Government of which such commanders and crews are the subjects or citizens.

Los Esclavos recibirán del Tribunal un certificado de emancipacion, y serán entregados al Gobierno á quien pertenezca el crucero que ha hecho la presa, para que se les trate conforme al reglamento y condiciones contenidas en la Adicion C de este Tratado.

Los gastos que se ocasionen por la manutencion y viaje de retorno de los comandantes y tripulaciones de las embarcaciones condenadas, serán costeados por el Gobierno de que dichos comandantes y tripulaciones sean ciudadanos ó súbditos.

ARTICLE VII.

The Mixed Courts of Justice shall also take cognizance of, and shall decide definitively and without appeal, all claims for compensation on account of losses occasioned to vessels and cargoes detained under the provisions of this Treaty, but which shall not have been condemned as legal prize by the said Courts; and in all cases wherein restitution of such vessels and cargoes shall be decreed, (save as mentioned in Article X of the Treaty to which these Regulations form an Annex, and in a subsequent part of these Regulations,) the Court shall award to the claimant or claimants, or to his or their lawful attorney or attorneys, for his or their use, a just and complete indemnification for all costs of suit, and for all losses and damages which the owner or owners may have actually sustained by such capture and detention; that is to say:—

First. In case of total loss, the claimant or claimants shall be indemnified,—

A. For the ship, her tackle, equipment, and stores.

B. For all freights due and payable.

C. For the value of the cargo of merchandize, if any, deducting all charges and expenses payable upon the sale of such cargo, including commission of sale.

D. For all other regular charges in such case of total loss.

Secondly. In all other cases not of total loss, save as hereinafter

ARTICULO VII.

Los Tribunales Mixtos examinarán tambien, y juzgarán definitivamente y sin apelacion, todas las demandas que se les hagan por compensacion de pérdidas ocasionadas á las embarcaciones y cargas detenidas con arreglo á las estipulaciones de este Tratado, pero que no hayan sido condenadas como presas legales por dichos Tribunales; y en todos los casos en que se decrete la restitucion de dichas embarcaciones y cargas, (salvo en los mencionados en el Articulo X del Tratado á que este Reglamento corre anexo, y en una parte subsiguiente de este mismo Reglamento,) el Tribunal concederá al reclamante ó reclamantes, ó á su apoderado ó apoderados legalmente constituidos, una justa y completa indemnizacion por todas las costas del proceso, y por todas las pérdidas y perjuicios que el propietario ó propietarios hayan experimentado en consecuencia de dicha captura y detencion; es á saber:—

1°. En caso de pérdida total, el reclamante ó reclamantes serán indemnizados,—

A. Por el buque, sus aparejos, equipo, y provisiones.

B. Por todos los fletes debidos y pagaderos.

C. Por el valor del cargamento de mercancias, si algunas habia, deduciendo todos los gastos y costos pagaderos sobre la venta de dicho cargamento, inclusa la comision de venta.

D. Por todas las demas cargas regulares en dicho caso de pérdida total.

2°. En todos los demas casos que no fueren de pérdida total, salvo los

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mentioned, the claimant or claimants shall be indemnified,—

A. For all special damages and expenses occasioned to the ship by the detention, and for loss of freight when due or payable.

B. For demurrage, according to the Schedule annexed to the present Article.

C. For any deterioration of the cargo.

D. For all premium of insurance on additional risks.

Further, the claimant or claimants shall be entitled to interest at the rate of five per cent. per annum, on the sum awarded, until such sum is paid by the Government to which the capturing ship belongs: the whole amount of such indemnifications shall be calculated in the money of the country to which the detained vessel belongs, and shall be paid at the rate of exchange current at the time of the award.

The two High Contracting Parties, however, have agreed, that if it shall be proved to the satisfaction of the judges of the two nations, and without recourse to the decision of an arbitrator, that the captor has been led into error by the fault of the master or commander of the detained vessel, the detained vessel in that case shall not have the right of receiving, for the time of her detention, the demurrage stipulated by the present Article, nor any other compensation for losses, damages, or expenses consequent upon such detention.

que abajo se mencionarán, el reclamante ó reclamantes serán indemnizados,—

A. Por todos los perjuicios y gastos especiales que experimentare el buque por su detencion, y por la pérdida de los fletes debidos ó pagaderos.

B. Por estadias, segun la Tarifa anexa al presente Articulo.

C. Por cualquiera deterioro del cargamento.

D. Por todo premio de seguros sobre riesgos adicionales.

El reclamante ó reclamantes tendrán derecho al interes de un cinco por ciento anual, sobre la suma concedida, hasta que dicha suma sea pagada por el Gobierno á que pertenezca el buque apresador; y el importe total de todas estas indemnizaciones se calculará en moneda del pais á que pertenezca la embarcacion apresada, y se pagará segun el cambio corriente al tiempo de hacerse la concesion.

Sin embargo, las dos Altas Partes Contratantes han acordado, que si se prueba á satisfaccion de los jueces de ambas naciones, y sin recurrir á la decision de un arbitro, que el aprehensor ha sido inducido á error por culpa del capitan ó comandante de la embarcacion detenida, no tendrá esta en tal caso derecho á cobrar, por el tiempo de su detencion, las estadias estipuladas en el presente Articulo, ni otra alguna compensacion por pérdidas, daños, ó gastos consiguientes á su detencion.

Schedule of demurrage or daily allowance for a vessel of

Tons				
100 to	120	inclusive	£ 5	per diem
121	150	„	6	„
151	170	„	8	„
171	200	„	10	„
201	220	„	11	„
221	250	„	12	„
251	270	„	14	„
271	300	„	15	„

and so in proportion.

Tarifa de estadias, ó sea abono diario, para una embarcacion desde

Toneladas			Libras Esterlinas	
100 á	120	inclusive	5	por dia
121	150	„	6	„
151	170	„	8	„
171	200	„	10	„
201	220	„	11	„
221	250	„	12	„
251	270	„	14	„
271	300	„	15	„

y asi proporcionalmente.

ARTICLE VIII.

Neither the judges, nor the arbitrators, nor the secretaries of the Mixed Courts of Justice, shall

ARTICULO VIII.

Ni los jueces, ni los arbitros, ni los secretarios de los Tribunales Mixtos de Justicia, pedirán ni reci-

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demand or receive from any of the parties concerned in the cases which shall be brought before such Courts, any emolument or gift, under any pretext whatsoever, for the performance of the duties which such judges, arbitrators, and secretaries have to perform.

birán de ninguna de las partes interesadas en los casos que se juzgaren por dichos Tribunales, emolumento ó dadiva alguna, bajo cualquier pretexto que sea, por el cumplimiento de los deberes que á dichos jueces, árbitros, y secretarios incumben.

ARTICLE IX.

The two High Contracting Parties have agreed, that in the event of the death, sickness, absence on leave, or other legal impediment, of one or more of the judges or arbitrators composing the above-mentioned Courts, respectively, the post of such judge or of such arbitrator shall be supplied, *ad interim*, in the following manner:—

First. On the part of Her Britannick Majesty, and in that Court which shall sit within the possessions of Her said Majesty,—if the vacancy be that of the British judge, his place shall be filled by the British arbitrator; and either in that case, or if the vacancy be originally that of the British arbitrator, the place of such arbitrator shall be filled, successively, by the Governor or Lieutenant-Governor resident in such possession, by the principal magistrate of the same, and by the secretary of the Government; and the said Court, so constituted as above, shall sit, and in all cases brought before them for adjudication, shall proceed to adjudge the same, and to pass sentence accordingly.

Secondly. On the part of Great Britain, and in that Court which shall sit within the possessions of the Republick of Chile,—if the vacancy be that of the British judge, his place shall be filled by the British arbitrator; and either in that case, or if the vacancy be originally that of the British arbitrator, the place of British arbitrator shall be filled successively by the British Consul and British Vice-Consul, if there be a British Consul or British Vice-Consul appointed to, and resident in, such possession; and if the vacancy be both of the British judge and of the British arbitrator, then the vacancy of the British judge shall be filled by the British Consul, and that of the British arbitrator by the British Vice-Con-

ARTICULO IX.

Las dos Altas Partes Contratantes han acordado que en caso de muerte, enfermedad, ausencia con licencia temporal, ó cualquiera otro impedimento legal, de uno ó mas de los jueces ó árbitros que formen los sobredichos Tribunales, la vacante del mencionado juez ó árbitro se llenará interinamente del modo que sigue:—

1°. Por parte de la República de Chile, y en el Tribunal que actúe en el territorio de dicha República, —si la vacante fuere la del juez Chileno, se llenará su puesto por el árbitro Chileno; y en este caso, ó en el de que la vacante fuere orijinariamente la del árbitro Chileno, será este reemplazado por el Gobernador Intendente de la provincia en que dicho Tribunal residiere, ó por el Gobernador Militar de Valparaiso, si el Tribunal residiere en Valparaiso; y el Tribunal, asi constituido, entrará en el ejercicio de sus funciones, y procederá en consecuencia á juzgar todos los casos que se le presenten, y á pronunciar sentencia sobre ellos.

2°. Por parte de la República de Chile, y en el Tribunal que actúe en una posesion de Su Majestad Británica,—si la vacante fuere la del juez Chileno, se llenará por el árbitro Chileno; y en este caso, ó en el de que la vacante fuere orijinariamente la del árbitro Chileno, será este reemplazado sucesivamente por el Cónsul Chileno y por el Vice-Cónsul Chileno, si hubiere Cónsul ó Vice-Cónsul Chilenos nombrados para dicha posesion, y residentes en ella; y en el caso de que la vacante fuere á un mismo tiempo del juez y del árbitro Chilenos, la vacante del juez Chileno se llenará por el Cónsul Chileno, y la del árbitro Chileno por el Vice-Cónsul Chileno, si hubiere Cónsul y Vice-Cónsul Chilenos nombrados para aquella posesion, y

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sul, if there be a British Consul and a British Vice-Consul appointed to, and resident in, such possession; and if there shall be no British Consul or British Vice-Consul to fill the place of British arbitrator, then the Chilean arbitrator shall be called in, in those cases in which a British arbitrator, if there were any, would be called in; and in case the vacancy be both of the British judge and British arbitrator, and there be neither British Consul nor British Vice-Consul to fill, *ad interim*, the vacancies, then the Chilian judge and the Chilian arbitrator shall sit, and in all cases brought before them for adjudication, shall proceed to adjudge the same, and pass sentence accordingly.

residentes en ella; y si no hubiere Cónsul ni Vice-Cónsul Chilenos para reemplazar al árbitro Chileno, el árbitro Británico será llamado en todos los casos en que el árbitro Chileno seria llamado, si lo hubiese; y en caso que la vacante fuere del juez y del árbitro Chilenos á un mismo tiempo, y no hubiere Cónsul ni Vice-Consul Chilenos para reemplazarlos interinamente, entónces actuarán el juez y el árbitro Británicos, y procederán en consecuencia á juzgar todos los casos que se les presenten, y á pronunciar sentencia sobre ellos.

Thirdly. On the part of the Republick of Chile, and in that Court which shall sit within the territories of the said Republick,—if the vacancy be that of the Chilian judge, his place shall be filled by the Chilian arbitrator; and either in that case, or if the vacancy be originally that of the Chilian arbitrator, the place of such Chilian arbitrator shall be filled by the Intendant Governor of the province in which the said Tribunal may reside, or by the military Governor of Valparaiso, if the Tribunal should reside in Valparaiso; and the said Court, so constituted as above, shall sit, and in all cases brought before them for adjudication, shall proceed to adjudge the same, and pass sentence accordingly.

3°. Por parte de Su Majestad Británica, y en el Tribunal que residiere en una posesion de Su Majestad,—si la vacante fuere la del juez Británico, su puesto se llenará por el árbitro Británico; y en este caso, ó en el de que la vacante fuere orijinariamente la del árbitro Británico, este será reemplazado sucesivamente por el Gobernador ó Teniente-Gobernador residente en la expresada posesion, por el majistrado principal de la misma, y por el Secretario del Gobierno; y el Tribunal, asi constituido, entrará en el ejercicio de sus funciones, y procederá en consecuencia á juzgar todos los casos que se les presenten, y á pronunciar sentencia sobre ellos.

Fourthly. On the part of Chile, and in that Court which shall sit within the possessions of Her Britannick Majesty,—if the vacancy be that of the Chilian judge, his place shall be filled by the Chilian arbitrator; and either in that case, or if the vacancy be originally that of the Chilian arbitrator, the place of Chilian arbitrator shall be filled successively by the Chilian Consul and Chilian Vice-Consul, if there be a Chilian Consul or Vice-Consul appointed to, and resident in, such possession; and if the vacancy be both of the Chilian judge and of the Chilian arbitrator, then the vacancy of the Chilian judge shall be filled by the Chilian Consul, and that of the Chilian arbitrator by the Chilian Vice-Consul, if there be a Chilian Consul and a Chilian

4°. Por parte de la Gran Bretaña, y en el Tribunal que actúe en el territorio de la República de Chile,—si la vacante fuere la del juez Británico, se llenará por el árbitro Británico; y en este caso, ó en el de que la vacante fuere orijinariamente la del arbitro Británico, este será reemplazado sucesivamente por el Cónsul Británico y por el Vice-Cónsul Británico, si hubiere Cónsul y Vice-Cónsul Británicos nombrados para el lugar en que actuare dicho Tribunal, y residentes en él; y en el caso de que la vacante fuere á un mismo tiempo del juez y del árbitro Británicos, la vacante del juez Británico se llenará por el Cónsul Británico, y la del árbitro Británico por el Vice-Cónsul Británico, si hubiere Cónsul y Vice-Cónsul Británicos nombrados para dicho lugar, y resi-

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Vice-Consul appointed to, and resident in, such possession; and in the case in which there be no Chilian Consul or Vice-Consul to fill the place of Chilian arbitrator, then the British arbitrator shall be called in those cases in which a Chilian arbitrator would be called in; and in case the vacancy be both of the Chilian judge and Chilian arbitrator, and there be neither Chilian Consul nor Chilian Vice-Consul to fill, *ad interim*, the vacancies, then the British judge and British arbitrator shall sit, and in all cases brought before them for adjudication, shall proceed to adjudge the same, and pass sentence accordingly.

The highest civil authority of the settlement wherein either of the Mixed Courts of Justice shall sit, shall, in the event of a vacancy arising either of the judge or the arbitrator of the other High Contracting Party, forthwith give notice of the same to the highest civil authority of the nearest settlement of such other High Contracting Party, in order that such vacancy may be supplied at the earliest possible period; and each of the High Contracting Parties agrees to supply definitively, as soon as possible, the vacancies which may arise in the above-mentioned Courts from death, or from any other cause whatever.

The Undersigned Plenipotentiaries have agreed, in conformity with Article XIII of the Treaty signed by them on this day, the nineteenth of January, 1839, that the preceding Regulations, consisting of nine Articles, shall be annexed to the said Treaty, and considered as an integral part thereof.

The nineteenth day of January, one thousand eight hundred and thirty-nine.

(L.S.) JOHN WALPOLE.
L.S.) JOAQUIN TOCORNAL.

dentes en él; y si no hubiere Cónsul ni Vice-Cónsul Británicos, para reemplazar al árbitro Británico, el árbitro Chileno será llamado en los casos en que el árbitro Británico seria llamado, si lo hubiese; y en caso de que la vacante fuere del juez y del árbitro Británicos á un mismo tiempo, y no hubiere Cónsul ni Vice-Cónsul Británicos para reemplazarlos interinamente, entónces actuarán el juez y el árbitro Chilenos, y procederán en consecuencia á juzgar todos los casos que se les presenten, y á pronunciar sentencia sobre ellos.

La mas alta autoridad civil de la posesion en que cualquiera de los Tribunales Mixtos residiere, cuando ocurra una vacante, sea de juez ó de arbitro de la otra Alta Parte Contratante, lo participará inmediatamente á la mas alta autoridad civil de la posesion mas inmediata de dicha Alta Parte Contratante, para que se llene la vacante en el término mas corto posible. Y ambas Partes Contratantes convienen en llenar definitivamente, y tan pronto como ser pueda, las vacantes que por fallecimiento ó por cualquiera otra causa ocurran en los sobredichos Tribunales.

Los Infrascritos Plenipotenciarios han acordado, con arreglo al Articulo XIII del Tratado que han firmado hoy diez y nueve de Enero de mil ochocientos treinta y nueve, que el Reglamento presente, compuesto de nueve Articulos, correrá anexo á dicho Tratado, y será considerado parte integrante del mismo.

Enero diez y nueve, de mil ochocientos treinta y nueve.

(L.S.) JOAQUIN TOCORNAL.
(L.S.) JOHN WALPOLE.

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ANNEX C.

to the Treaty between Great Britain and the Republick of Chile, for the Abolition of the Traffick in Slaves.

Regulations for the good treatment of Liberated Negroes.

ARTICLE I.

The object and spirit of these Regulations is to secure to Negroes liberated by virtue of the stipulations of the Treaty to which these Regulations form an Annex, (marked C.) permanent good treatment, and full and complete freedom, in conformity with the humane intentions of the High Contracting Parties.

ARTICLE II.

Immediately after sentence of condemnation shall have been passed by a Mixed Court of Justice established under the Treaty to which these Regulations form an Annex, on a vessel charged with being concerned in illegal Slave Trade, all Negroes who were on board such vessel, and who were brought on board for the purpose of traffick, shall be delivered over to the Government to whom belongs the cruizer which made the capture.

ARTICLE III.

If the cruizer which made the capture is British, the British Government engages that the Negroes shall be treated in exact conformity with the laws in force in the British colonies, for the regulation of free or of emancipated Negroes.

ARTICLE IV.

If the cruizer which made the capture is Chilian, then the Negroes shall be delivered over to the Chilian authorities of that place in the dominions of Chile, in which the Mixed Court of Justice is established; and the Chilian Govern-

ADICION C.

al Tratado entre la República de Chile y Su Majestad la Reina del Reino Unido de la Gran Bretaña é Irlanda, para la Abolicion del Trafico de Esclavos.

Reglamento para el buen trato de los Negros emancipados.

ARTICULO I.

El objeto y espiritu de este Reglamento se encaminan á asegurar á los Negros emancipados en virtud de las estipulaciones del Tratado á que es anexo, (bajo la letra C.) un buen trato permanente, y una entera y completa libertad, de conformidad con las intenciones benéficas de las Altas Partes Contratantes.

ARTICULO II.

Inmediatamente despues que el Tribunal Mixto establecido en virtud del Tratado á que va anexo este Reglamento, hubiere pronunciado sentencia condenando á una embarcacion acusada de haber tomado parte en el Tráfico ilegal de Esclavos, todos los Negros que se hubieren hallado en dicha embarcacion, y hayan sido conducidos á su bordo con el objeto de traficar en ellos, serán entregados al Gobierno á que pertenezca el crucero que haya hecho la presa.

ARTICULO III.

Si es Británico el crucero que ha hecho la presa, el Gobierno Británico se obliga á que los Negros serán tratados en absoluta conformidad con las leyes vijentes en las colonias de la Gran Bretaña con respecto á los Negros libres ó emancipados.

ARTICULO IV.

Si fuere Chileno el crucero que ha hecho la presa, en este caso se entregarán los Negros á las autoridades Chilenas de aquel lugar de los dominios de Chile, en que se halle establecido el Tribunal Mixto; y el Gobierno Chileno se obliga so-

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ment solemnly engages, that such Negroes shall there be treated strictly according to the regulations actually in force in Chile with respect to free Negroes; or, according to such regulations as may in future be established in Chile in this respect, and which regulations shall always have in view the humane object of securing honestly and faithfully to emancipated Negroes, the unmolested enjoyment of their liberty, good treatment, a knowledge of the tenets of the Christian religion, advancement in morality and civilization, and sufficient instruction in the mechanical arts; in order that the said emancipated Negroes may be enabled to earn their own subsistence, whether as artizans, mechanics, or servants.

lemnemente á que dichos Negros serán tratados alli con estricta sujecion á las leyes y reglamentos vijentes en Chile con respecto á los Negros libres, ó en conformidad con las leyes y reglamentos que en adelante se establecieren en Chile sobre esta materia; las cuales leyes y reglamentos tendrán siempre el benéfico objeto de asegurar franca y lealmente á los Negros emancipados el goce de la libertad adquirida, exento de toda molestia, el buen trato, el conocimiento de los dogmas de la relijion Cristiana, su adelantamiento en la moral y la civilizacion, y la instruccion suficiente en los oficios mecánicos, para que dichos Negros emancipados se hallen en estado de mantenerse por si mismos, como artesanos, menestrales, ó criados domésticos.

ARTICLE V.

For the purpose which is explained in Article VI, there shall be kept in the office of the Governor of the part of the possessions of the Republick of Chile where the Mixed Court of Justice resides, a register of all emancipated Negroes, in which shall be entered, with scrupulous exactness, the names given to the Negroes, the names of the vessels in which they were captured, the names of the persons to whose care they have been committed, and any other circumstances likely to contribute to the end in view.

ARTICULO V.

Con el fin que se explica en el Articulo VI, se llevará en la secretaria del Gobernador de aquella parte de la República de Chile en que residiere el Tribunal Mixto, un rejistro de todos los Negros emancipados, en que escribirán, con exactitud escrupulosa, los nombres que se hayan puesto á los Negros, los nombres de las embarcaciones en que hayan sido apresados, los de las personas á cuyo cuidado se encomendaren, y cualesquiera otras circunstancias que contribuyan al fin propuesto.

ARTICLE VI.

The register to which the preceding Article refers, will serve to form a general return, which the Governor of that part of the possessions of the Republick of Chile where the Mixed Court of Justice resides, shall be bound to deliver, every six months, to the aforesaid Mixed Commission, in order to show the existence of the Negroes emancipated under this Treaty, the improvement made in their condition, and the progréss made in their religious and moral instruction, and in the arts of life. The aforesaid return shall also specify the names and descriptions of such of the emancipated Negroes as shall have died during the period for which the return is made up.

ARTICULO VI.

El rejistro á que se refiere el precedente Articulo, servirá para formar un estado jeneral, que el Gobierno de aquella parte de la República de Chile en que resida el Tribunal Mixto, será obligado á entregar cada seis meses al mencionado Tribunal Mixto, con el objeto de hacer constar la existencia de los Negros que, en virtud de este Tratado, se emanciparen, las mejoras de su condicion, y los progresos de su enseñanza relijiosa, moral, é industrial. Dicho estado especificará asi mismo los nombres y descripciones de los Negros emancipados que hayan fallecido durante el periodo á que corresponde el estado.

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ARTICLE VII.

The High Contracting Parties agree, that if in future it should appear necessary to adopt new measures, in consequence of those laid down in this Annex turning out inefficacious, the said High Contracting Parties will consult together, and will agree upon other means better adapted for the complete attainment of the objects proposed.

ARTICULO VII.

Las Altas Partes Contratantes acuerdan que si en adelante pareciere necesario adoptar nuevas medidas por haber resultado ineficaces las que en esta Adicion van mencionadas, consultarán entre si, y de comun acuerdo establecerán otros medios mas á proposito para el completo logro de los fines que se proponen.

ARTICLE VIII.

The Undersigned Plenipotentiaries have agreed, in conformity with Article XIV of the Treaty signed by them on this day, the nineteenth of January, 1839, that this Annex, consisting of eight Articles, shall be united to the said Treaty, and be considered an integral part thereof.

The nineteenth day of January, one thousand eight hundred and thirty-nine.

(L.S.) JOHN WALPOLE.
(L.S.) JOAQUIN TOCORNAL.

ARTICULO VIII.

Los Infrascritos Plenipotenciarios han acordado, de conformidad con el Articulo XIV del Tratado que han firmado el dia de hoy, diez y nueve de Enero de mil ochocientos treinta y nueve, que la presente Adicion, compuesta de ocho Articulos, correrá anexa á dicho Tratado, y será considerada como parte integrante del mismo.

Enero diez y nueve, de mil ochocientos treinta y nueve.

(L.S.) JOAQUIN TOCORNAL.
(L.S.) JOHN WALPOLE.

ARTICLES ADDITIONAL

to the Treaty concluded this Nineteenth day of January, 1839, *between Her Britannick Majesty and the Republick of Chile, for the Suppression of the Slave Trade.*

ARTICULOS ADICIONALES

al Tratado entre la República de Chile y Su Majestad la Reina del Reino Unido de la Gran Bretaña é Irlanda, para la Abolicion del Tráfico de Esclavos.

ARTICLE I.

It is agreed and understood, that if there should be any delay in appointing the judge and the arbitrator to be nominated on the part of the Republick of Chile, to act in each of the Mixed Courts of Justice to be established under this Treaty; or if those officers, after being appointed, should at any time be absent; then and in either of such cases, the judge and arbitrator appointed on the part of Her Britannick Majesty, and present in the said

ARTICULO I.

Queda acordado y entendido, que si hubiere alguna demora en el nombramiento del juez y del árbitro que por parte de la República de Chile han de ser destinados á actuar en cada uno de los Tribunales Mixtos de Justicia que deben establecerse en conformidad con este Tratado, ó si dichos empleados, despues de su nombramiento, se hallaren ausentes; en uno ú otro de estos casos, y en cualquier tiempo que esto suceda, el juez y el árbitro nombrados por parte

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Courts, shall, in the absence of the Chilian judge and arbitrator, proceed to open the said Courts, and to adjudge such cases as may be brought before them under the Treaty; and the sentence pronounced upon such cases by the said British judge and arbitrator, shall have the same force and validity as if the judge and the arbitrator on the part of Chile had been appointed, and had been present and acting in the Mixed Courts in the cases in question.

de Su Majestad Británica, y presentes en dichos Tribunales, procederán, en ausencia del juez ó árbitro Chilenos, á abrir dichos Tribunales, y á juzgar los casos que, de conformidad con el Tratado, se les presenten; y que la sentencia pronunciada en tales casos por los dichos juez y árbitro Británicos, tendrá la misma fuerza y valor que si el juez y el árbitro Chilenos hubiesen sido nombrados, y se hallasen presentes y actuasen en los Tribunales Mixtos en los referidos casos.

ARTICLE II.

It is also agreed, notwithstanding the provisions of the First Article of the Annex B, that so long as no Chilian judge and arbitrator are nominated, it will be unnecessary for the Republick of Chile to nominate the secretary or actuary mentioned in the said Article; that in the meanwhile the secretary or actuary of the Court which may exist within the territory of the Republick of Chile, shall be named and paid by the Government of Her Britannick Majesty; and that the entire expence of both the Courts to be established under this Treaty shall be borne by the Government of Her Britannick Majesty.

ARTICULO II.

Queda tambien acordado que, no obstante las estipulaciones del Articulo I de la Adicion B, mientras no se nombraren el juez y árbitro Chilenos, no será necesario que la República de Chile nombre el secretario ó actuario que en dicho Articulo se menciona; que entretanto el secretario ó actuario del Tribunal que exista en el territorio de la República de Chile, será nombrado y pagado por el Gobierno de Su Majestad Británica; y que todos los gastos de los dos Tribunales que se establezcan en virtud de este Tratado, serán á cargo del Gobierno de Su Majestad Británica.

The present Additional Articles shall form an integral part of the Treaty for the Suppression of Slave Trade, signed this day; and shall have the same force and validity as if they were inserted, word for word, in that Treaty, and shall be ratified within twelve months, or sooner if possible.

Done at Santiago de Chile, this nineteenth day of January, in the year of our Lord one thousand eight hundred and thirty-nine.

(L.S.) JOHN WALPOLE.
(L.S.) JOAQUIN TOCORNAL.

Los presentes Articulos Adicionales formarán parte integrante del Tratado para la Abolicion del Tráfico de Esclavos, firmado el dia de hoy; y tendrán la misma fuerza y valor que si se hallasen insertos en el, palabra por palabra, y serán ratificados en el término de doce meses, ó ántes si fuere posible.

Fechos en la Ciudad de Santiago, á diez y nueve dias del mes de Enero, del año de nuestro Señor mil ochocientos treinta y nueve.

(L.S.) JOAQUIN TOCORNAL.
(L.S.) JOHN WALPOLE.

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ADDITIONAL AND EXPLANATORY CONVENTION

BETWEEN

HER MAJESTY

AND

THE REPUBLICK OF CHILE,

FOR THE ABOLITION

OF THE

TRAFFICK IN SLAVES.

Signed at Santiago, August 7, 1841.

Presented to both Houses of Parliament, by Command of Her Majesty, 1843.

LONDON:
PRINTED BY T. R. HARRISON.

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CONVENTION Additional to and Explanatory of the Treaty concluded at Santiago, January 19, 1839, *between Her Majesty and the Republick of Chile, for the Abolition of the Traffick in Slaves.*

Signed at Santiago, August 7, 1841.

[*Ratifications exchanged at Santiago, August* 6, 1842.]

HER Majesty the Queen of the United Kingdom of Great Britain and Ireland, and the President of the Republick of Chile, animated always with the most lively desire to co-operate for the abolition of the Traffick in Slaves in all parts of the world, and to avoid renewed delays in the fulfilment of the obligations which they had mutually resolved to impose on themselves by the Treaty signed on the nineteenth of January, 1839, which unhappily could not be carried into effect, the ratifications not having been exchanged within the period therein stipulated; have agreed to proceed to the celebration of a Convention which may give full force and vigour, in all which shall not be expressly altered by it, to the stipulations contained in the said Treaty. For this purpose they have named for their Plenipotentiaries, to wit:—

EL Presidente de la República de Chile, y Su Majestad la Reina del Reino Unido de la Gran Bretaña é Irlanda, animados siempre del mas vivo deseo de cooperar á la abolicion del Tráfico de Esclavos en todas las partes del mundo, y de evitar nuevas demoras en el cumplimiento de las obligaciones que mutuamente habian resuelto imponerse por el Tratado de diez y nueve de Enero, de mil ochocientos treinta y nueve, que desgraciadamente no pudo llevarse á efecto por no haberse canjeado las ratificaciones dentro del plazo estipulado en él; han resuelto proceder al ajuste de una Convencion que dé plena fuerza y valor, en todo lo que no fuere alterado expresamente por ella, á las estipulaciones contenidas en el dicho Tratado. A este efecto han nombrado por sus Plenipotenciarios, á saber:—

Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, the Honourable John Walpole, Her Britannick Majesty's Consul-General in the Republick of Chile; and the Republick of Chile, Don Ramon Luis Yrarrázaval, Minister of State for the Departments of the Interior and Foreign Relations; who, having mutually communicated their Full Powers, and found them in due form, have arranged and agreed to the following Articles:

La República de Chile, á Don Ramon Luis Yrarrázaval, Ministro del Despacho en los Departamentos del Interior y Relaciones Exteriores; y Su Majestad la Reina del Reino Unido de la Gran Bretaña é Irlanda, al Honorable Señor Juan Walpole, Consul-Jeneral de Su Majestad Británica en la República de Chile; los cuales, habiéndose comunicado mutuamente sus plenos poderes, y halládolos en debida forma, han ajustado y acordado los siguientes Artículos:

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ARTICLE I.

The two High Contracting Parties recognize as valid and existing, all the obligations which it was their intention respectively to contract by all and each of the Articles of the Treaty of the nineteenth of January, 1839, to co-operate for the effectual and complete abolition of the Slave Trade, and by all and each of the Articles of the Annexes marked A, B, and C, and by the two separate Additional Articles, which, as therein stipulated, ought and are to be considered as integral parts of the above-mentioned Treaty; all in the same manner as if the above-mentioned Treaty formed an integral part of the present Convention, and was inserted word for word in it; saving, however, the exceptions and modifications which are hereafter expressed.

ARTICULO I.

Las dos Altas Partes Contratantes reconocen como válidas y subsistentes, todas las obligaciones que respectivamente fué su ánimo imponerse por todos y cada uno de los Articulos del Tratado de diez y nueve de Enero, de mil ochocientos treinta y nueve, para cooperar á la efectiva y completa abolicion del Comercio de Esclavos, y por todos y cada uno de los Articulos de las Adiciones marcadas con las letras A, B, y C, y por los dos Articulos Adicionales separados, que segun lo allí estipulado, debian y deben considerarse como partes integrantes del sobredicho Tratado; todo de la misma manera que si el sobredicho Tratado formase parte integrante de la presente Convencion, y estuviese inserto en ella palabra por palabra; salvas empero las excepciones y modificaciones que van á expresarse.

ARTICLE II.

The power which, by the Articles IV and V of the above-mentioned Treaty of the nineteenth of January, 1839, is conceded to the vessels of the navies of the two nations which shall be employed in impeding the Traffick in Slaves, to visit the merchant-vessels of both, which may be found in the case indicated in Article IV, already referred to, and, in order that, in consequence of the visit, they may proceed with respect to the vessels and their cargo in accordance with the Instructions in Annex A; shall not be understood as yielded unless to be exercised solely and exclusively in the places which are hereafter expressed; that is to say:

1st. Along the western coast of Africa, from the fortieth degree of south latitude to the twenty-fifth degree of north latitude, and to the twenty-seventh degree of west longitude, calculated from the meridian of Greenwich.

2nd. All round the Island of Madagascar, to the extent of twenty leagues from that island.

3rd. The same distance from the coasts of the Island of Cuba.

ARTICULO II.

La facultad que por los Articulos IV y V del sobredicho Tratado de diez y nueve de Enero, de mil ochocientos treinta y nueve, se concede á los buques de las armadas de las dos naciones que se emplearen en impedir el Tráfico de Esclavos, para que visiten las embarcaciones mercantes de ambas, que se hallaren en el caso indicado en el referido Articulo IV, y para que, á consecuencia de la visita, procedan respecto de las embarcaciones y su carga con arreglo á las Instrucciones de la Adicion A; no se entenderá concedida sino para que se ejercite sola y exclusivamente en los lugares que van á expresarse; á saber:

1°. A lo largo de la costa occidental de Africa, desde los cuarenta grados de latitud sur, hasta los veinte y cinco de latitud norte, y hasta los veinte y siete de lonjitud occidental, contados desde el meridiano de Greenwich.

2°. Al rededor de la Isla de Madagascar, en una zona de veinte leguas de anchura.

3°. A la misma distancia de las costas de la Isla de Cuba.

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4th. The same distance from the coasts of the Island of Puerto Rico; and

5th. The same distance from the coasts of Brazil.

Nevertheless, if a vessel of which suspicion should be entertained, and which should have been chased whilst within the assigned limits, should succeed in passing them, it may be searched, provided that it has not been lost sight of during the chase.

4°. A la misma distancia de las costas de la Isla de Puertorrico; y

5°. A la misma distancia de las costas del Brasil.

No obstante, si un buque de que se tuviesen sospechas, y que hubiere sido perseguido dentro de los limites asignados, lograse salir de ellos, podrá ser visitado, con tal que no se le haya perdido de vista durante la persecucion.

ARTICLE III.

The before-mentioned Treaty, and the present Convention, shall be respectively ratified by Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, and by the President of the Republick of Chile; and the ratifications of both shall be exchanged within one year, reckoned from the date of the present Convention, or sooner if possible.

In faith of which, the respective Plenipotentiaries have signed three copies of the present Convention in the English language, and other three in the Spanish language, and have sealed them with their arms.

Done in the City of Santiago, the seventh day of August, in the year of our Lord one thousand eight hundred and forty-one.

(L.S.) JOHN WALPOLE.
(L.S.) RAMON LUIS YRARRAZAVAL.

ARTICULO III.

El antedicho Tratado, y la presente Convencion, serán respectivamente ratificados por el Presidente de la República de Chile, y por Su Majestad la Reina del Reino Unido de la Gran Bretaña é Irlanda; y las ratificaciones de ambos serán canjeadas dentro de un año, contado desde la fecha de la presente Convencion, ó antes si posible fuere.

En fé de lo cual, los respectivos Plenipotenciarios han firmado tres ejemplares en lengua Castellana de la presente Convencion, y otros tres en lengua Inglesa, y los han sellado con sus armas.

Fecha en la Ciudad de Santiago, á siete dias del mes de Agosto, del año de nuestro Señor mil ochocientos cuarenta y uno.

(L.S.) RAMON LUIS YRARRAZAVAL.
(L.S.) JOHN WALPOLE.

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ADDITIONAL ARTICLE

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TO THE

TREATY

CONCLUDED AT LISBON, JULY 3, 1842,

BETWEEN

HER MAJESTY

AND THE

QUEEN OF PORTUGAL,

FOR THE SUPPRESSION

OF THE

TRAFFICK IN SLAVES,

Signed at Lisbon, October 22, 1842.

Presented to both Houses of Parliament, by Command of Her Majesty, 1843.

LONDON:

PRINTED BY T. R. HARRISON, ST. MARTIN'S LANE.

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ADDITIONAL ARTICLE.

[*Ratifications exchanged at Lisbon, November* 24, 1842.]

ADDITIONAL ARTICLE to the Treaty concluded at Lisbon on the 3rd of July, 1842, *between Great Britain and Portugal, for the Suppression of the Traffick in Slaves.*

Whereas the regulations in respect to the treatment of liberated Negroes, contained in Annex C of the Treaty between Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, and Her Majesty the Queen of Portugal and the Algarves, signed at Lisbon on the third of July, 1842, are, by the XIIIth Article of that Treaty, declared to be established for the purpose of guaranteeing the liberty of such Negroes:

And whereas within the British colonies in which, in pursuance of the said Treaty, Mixed Commissions have been established, there are already in force, or may be hereafter enacted, laws, or regulations having the force of law, better adapted for the purpose aforesaid, and the maintenance of such laws or regulations would therefore be more in accordance with the salutary end which the two High Contracting Parties have in view:

It is therefore agreed, that in the British colonies where such Mixed Commissions are established, and where the existing laws, or regulations having the force of law, on the subject of the treatment of liberated Negroes, are already better adapted than the Regulations contained in the Annex C, to guarantee the liberty of Negroes liberated under the said Treaty, the Mixed Commissions shall consider such laws or regulations as superseding the spe-

ARTIGO ADDICCIONAL ao Tratado concluido em Lisboa aos trez de Julho, de mil oitocentos e quarenta e dous, entre a Gram-Bretanha e Portugal, para a Suppressaõ do Trafico da Escravatura.

Visto que o regulamento arespeito do tratamento dos Negros libertos, contido no Annexo C do Tratado entre Sua Magestade a Rainha do Reino Unido da Gram-Bretanha e Irlanda, e Sua Magestade a Rainha de Portugal e Algarves, assignado em Lisboa aos trez de Julho, de mil oitocentos e quarenta e dous, está declarado pelo Artigo decimo-terceiro do dito Tratado, haver sido estabelecido para o fim de garantir a liberdade de taes Negros:

E visto que nas colonias Britannicas nas quaes, em execuçaõ do dito Tratado, se tem estabelecido Commissoens Mixtas, já existem em vigor, ou podem de futuro ser promulgadas leis, ou regulamentos com força de lei, mais bem adaptados ao sobredito proposito, e que a conservaçaõ de taes leis ou regulamentos seria por isso mais conforme ao fim salutar que as duas Altas Partes Contractantes tem em vista:

Fica por tanto ajustado, què nas colonias Britannicas, aonde taes Commissoens Mixtas estão estabelecidas, e aonde as leis, ou regulamentos com força de lei, existentes sobre o objecto do tratamento dos Negros libertos, já saõ mais bem adaptados do que o Regulamento contido no Annexo C, para garantir a liberdade dos Negros libertos em virtude do dito Tratado; deveraõ as Commissioens Mixtas considerar taes leis ou regulamentos como

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cial regulations of Annex C, in as much as they may, either wholly or in part, be more beneficial to the said liberated Negroes.

It is equally agreed that the Mixed Commissions established in the colonial dominions of either of the two High Contracting Parties, in virtue of the aforesaid Treaty, shall be empowered with full authority to admit in future similar substitutions, in the case of any laws, or regulations having the force of law, being hereafter enacted in the colonies of Her Britannick Majesty, or in the colonies of Her Most Faithful Majesty, better adapted to guarantee the liberty and ensure the welfare of the liberated Negroes in the said colonies.

Any such laws, or regulations having the force of law, by which any of the regulations of Annex C shall be superseded under this Article, shall be duly communicated, as the case may be, by the one to the other of the High Contracting Parties.

The present Additional Article shall have the same force and validity as if it had been inserted, word for word, in the aforesaid Treaty of the 3rd of July, 1842.

It shall be ratified, and the ratifications thereof shall be exchanged at Lisbon, at the expiration of six weeks from the date of its signature, or sooner if possible.

In witness whereof the respective Plenipotentiaries have signed the same, and have affixed thereto the seals of their arms.

Done at Lisbon, the twenty-second day of October, in the year of Our Lord one thousand eight hundred and forty-two.

HOWARD DE WALDEN.
(L.S.)

substituindo o regulamento especial do Annexo C, em tanto quanto possam ser, no todo ou em parte, mais proficuos aos ditos Negros libertos.

Fica igualmente ajustado que as Commissoens Mixtas estabelecidas nos dominios coloniaes de qualquer das duas Altas Partes Contractantes, em virtude do sobredito Tratado, seraõ plenamente authorisadas para admittir de futuro similhantes substituiçoens, no caso de serem para o diante promulgadas nas colonias de Sua Magestade Britannica, ou nas colonias de Sua Magestade Fidelissima, quaesquer leis, ou regulamentos com força de lei, mais bem adaptados a garantir a liberdade, e a assegurar o bem-estar dos Negros libertos nas ditas colonias.

Quaesquer leis, ou regulamentos com força de lei, pelos quaes alguma das disposiçoens do Annexo C fôr substituida na conformidade d'este Artigo, seraõ devidamente communicados, como o caso o pedir, por uma Alta Parte Contractante á outra.

O presente Artigo Addiccional terá a mesma força e validade como se estivesse inserto, palavra por palavra, no sobredito Tratado de trez de Julho, de mil oitocentos e quarenta e dous.

Será ratificado, e as ratificaçoens d'elle seraõ trocadas em Lisboa, no termo de seis semanas a datar da sua assignatura, ou mais cedo se fôr possivel.

Em testemunho do que, os respectivos Plenipotenciarios o assignaram, e firmaram com o sello das suas armas.

Feito em Lisboa, aos vinte e dous dias do mez de Outubro, do anno do Nascimento de Nosso Senhor Jesus-Christo de mil oitocentos e quarenta e dous.

DUQUE DE PALMELLA.
(L.S.)

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TREATY

OF

COMMERCE AND NAVIGATION

BETWEEN

HER MAJESTY

AND THE

EMPEROR OF ALL THE RUSSIAS,

Signed at St. Petersburgh, January 11, 1843.

Presented to both Houses of Parliament, by Command of Her Majesty, 1843.

LONDON:

PRINTED BY T. R. HARRISON.

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TREATY

OF

COMMERCE AND NAVIGATION

BETWEEN

HER MAJESTY

AND THE

EMPEROR OF ALL THE RUSSIAS,

Signed at St. Petersburgh, January 11, 1843.

[*Ratifications exchanged at London, January* 31, 1843.]

In the name of the Most Holy and Indivisible Trinity.

HER Majesty the Queen of the United Kingdom of Great Britain and Ireland, and His Majesty the Emperor of all the Russias, being desirous of extending, increasing, and consolidating the commercial relations between their respective dominions and possessions, and of thereby procuring all possible facilities and encouragements for those of their subjects who partake in those relations; and being persuaded that nothing can more contribute to the accomplishment of their mutual wishes in this respect, than the reciprocal abolition of the differential and countervailing duties which are at present exacted and levied on the vessels or produce of either of the two States in the ports of the other, have named as their Plenipotentiaries for the conclusion of a Treaty to this effect, that is to say:

Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, the Right Honourable Charles Baron Stuart de Rothsay in the Isle of Bute, Peer of Parliament, Member of the Privy Council, Knight Grand Cross of the Most Honourable Order of the Bath, and of the ancient Order of the Tower and Sword of Portugal, Ambassa-

Au nom de la Très Sainte et Indivisible Trinité.

SA Majesté la Reine du Royaume Uni de la Grande Bretagne et d'Irlande, et Sa Majesté l'Empereur de toutes les Russies, animés du désir d'étendre, d'accroître, et de consolider les relations commerciales entre leurs Etats et possessions respectifs, et de procurer par là toutes les facilités et tous les encouragemens possibles à ceux de leurs sujets qui ont part à ces relations; persuadés que rien ne saurait contribuer davantage à l'accomplissement de leurs souhaits mutuels à cet égard, que l'abolition réciproque des droits différentiels et retorsifs qui actuellement sont exigés et prélevés sur les vaisseaux ou les produits de l'un des deux Etats dans les ports de l'autre, ont nommé leurs Plénipotentiaires pour conclure un Traité à cet effet, savoir:

Sa Majesté la Reine du Royaume Uni de la Grande Bretagne et d'Irlande, le Très Honorable Charles Baron Stuart de Rothsay dans l'Ile de Bute, Pair du Parlement, Membre du Conseil Privé, Chevalier Grand Croix du Très Honorable Ordre du Bain, et de l'antique Ordre de la Tour et de l'Epée du Portugal, Ambassadeur Extraordinaire et Pléni-

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dor Extraordinary and Plenipotentiary to His Majesty the Emperor of all the Russias;

And His Majesty the Emperor of all the Russias, the Sieur Charles Robert Count Nesselrode, His Privy Councillor, Vice-Chancellor, Member of the Council of the Empire, Knight of the Orders of Russia, and of several others; and the Sieur George Count Cancrine, General of Infantry, Minister of Finance, Member of the Council of the Empire, Knight of the Orders of Russia, and of several others;

Who, after having communicated to each other their respective full powers, found in good and due form, have agreed upon and concluded the following Articles:

ARTICLE I.

There shall be reciprocal freedom of Navigation and Commerce for the ships and subjects of the two High Contracting Powers, in all parts of their respective dominions where Navigation and Commerce are at present allowed, or may hereafter be allowed, to the ships and subjects of any other nation.

ARTICLE II.

From the date of the exchange of the ratifications of the present Treaty, British vessels arriving in, or departing from, the ports of His Majesty the Emperor of all the Russias, and Russian vessels arriving in, or departing from, the ports of the United Kingdom of Great Britain and Ireland, and of all the possessions of Her Britannick Majesty, shall be subject to no other or higher duties or charges, of whatsoever nature they may be, than those which are now, or shall hereafter be imposed on national vessels, on their entering into, or departing from, such ports.

ARTICLE III.

In consideration that British ships arrivingdirectly from other countries than those belonging to the High

potentiaire près Sa Majesté l'Empereur de toutes les Russies;

Et Sa Majesté l'Empereur de toutes les Russies, le Sieur Charles Robert Comte de Nesselrode, Son Conseiller Privé actuel, Vice-Chancelier, Membre du Conseil de l'Empire, Chevalier des Ordres de Russie, et de plusieurs autres; et le Sieur Georges Comte de Cancrine, Général d'Infanterie, Ministre des Finances, Membre du Conseil de l'Empire, Chevalier des Ordres de Russie, et de plusieurs autres;

Lesquels, après s'être communiqué leurs pleins pouvoirs respectifs, trouvés en bonne et due forme, ont arrêté et conclu les Articles suivans:

ARTICLE I.

Il y aura réciproquement liberté de Navigation et de Commerce pour les navires et sujets des deux Hautes Puissances Contractantes dans toutes les parties de leurs Etats respectifs, où la Navigation et le Commerce sont permis à présent, ou seront permis à l'avenir, aux sujets et navires de quelque autre nation.

ARTICLE II.

A dater de l'échange des ratifications du présent Traité, les navires Anglais qui entreront dans les ports de Sa Majesté l'Empereur de toutes les Russies, ou qui en sortiront, et les bâtimens Russes qui entreront dans les ports du Royaume Uni de la Grande Bretagne et d'Irlande, et dans ceux de toutes les possessions de Sa Majesté Britannique, ou qui en sortiront, ne seront sujets à aucuns droits ou charges, de quelque nature qu'ils soient, autres ni plus élevés que ceux qui sont actuellement, ou pourront par la suite être imposés aux navires indigènes, à leur entrée dans ces ports, ou à leur sortie.

ARTICLE III.

En considération de ce que les vaisseaux Anglais arrivant directement d'autres pays que ceux appar-

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Contracting Parties, are admitted with their cargoes into the ports of the Russian Empire, without paying any other duties whatsoever than those payable by Russian vessels; and in consideration of the advantages which, in this respect, the present Treaty specifically grants to British Commerce in the Grand Duchy of Finland; it is agreed that from the date of the exchange of the ratifications of the present Treaty, Russian vessels arriving from the mouth of the Vistula, the Niemen, or any other river which forms the outlet of a navigable stream having its source in the dominions of His Majesty the Emperor of all the Russias, or passing through the said dominions, shall be admitted, with their cargoes, into the ports of the United Kingdom of Great Britain and Ireland, and of all the possessions of Her Britannick Majesty, exactly in the same manner as if those vessels arrived directly from Russian or Finnish ports, with all the privileges and immunities agreed upon by the present Treaty of Navigation and Commerce. In like manner, Russian vessels proceeding from any port of Great Britain, or of the British possessions, for the mouth of any of the above-mentioned rivers, shall be treated as if they were returning to a port of the Empire of Russia, or of the Grand Duchy of Finland. It is, however, understood, that these privileges shall apply to Russian vessels and their cargoes, with respect to places situated at the mouths of the above-mentioned rivers, only so long as British vessels and their cargoes shall be treated at those places, on their arrival and departure, on the same footing with Russian vessels.

tenant aux Hautes Parties Contractantes, sont admis avec leurs cargaisons dans les ports de l'Empire de Russie, sans payer d'autres droits quelconques que ceux que payent les vaisseaux Russes; et en considération des avantages que, sous ce rapport, le présent Traité accorde nommément au Commerce Britannique dans le Grand Duché de Finlande; il est convenu qu'à dater de l'échange des ratifications du présent Traité, les bâtimens Russes venant de l'embouchûre de la Vistule, du Niemen, ou de tout autre fleuve, dans lequel se jette une rivière navigable prenant sa source dans les Etats de Sa Majesté l'Empereur de toutes les Russies, ou traversant les dits Etats, seront admis avec leurs cargaisons dans les ports du Royaume Uni de la Grande Bretagne et d'Irlande, et de toutes les possessions de Sa Majesté Britannique, exactement de la même manière que si ces vaisseaux venaient directement de ports Russes ou Finlandais, avec tous les privilèges et immunités convenus par le présent Traité de Navigation et de Commerce. De la même manière, des bâtimens Russes expédiés d'un port de la Grande Bretagne ou des possessions Britanniques pour l'embouchûre des fleuves susmentionnés, seront traités comme s'ils retournaient vers un port de l'Empire de Russie, ou du Grand Duché de Finlande. Il est entendu toutefois, que ces privilèges ne s'appliqueront aux vaisseaux Russes et à leurs cargaisons, par rapport aux places situées à l'embouchûre des fleuves susmentionnés, qu'aussi longtems que les vaisseaux Anglais et leurs cargaisons y seront traités, à leur arrivée et à leur départ, sur le même pied que les vaisseaux Russes.

ARTICLE IV.

All productions of the soil, industry, and art of the dominions and possessions of His Majesty the Emperor of all the Russias, including the said productions which may be exported by the rivers or streams mentioned in the preceding Article, and which may be imported into the ports of the United Kingdom and the possessions of Her Britannick Majesty; and also all the productions of the soil, industry,

ARTICLE IV.

Toutes les productions du sol, de l'industrie, et de l'art des Etats et des possessions de Sa Majesté l'Empereur de toutes les Russies, y compris les dites productions dont l'exportation pourra avoir lieu par les fleuves ou rivières mentionnés à l'Article précédent, et qui peuvent être importées dans les ports du Royaume Uni et les possessions de Sa Majesté Britannique; de même que toutes les productions du sol, de

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and art of the United Kingdom and possessions of Her Britannick Majesty, which may be imported into the ports of His Majesty the Emperor of all the Russias, shall enjoy reciprocally, in all respects, the same privileges and immunities, and may be imported and exported exactly in the same manner, in vessels of the one as in vessels of the other High Contracting Party.

l'industrie, et de l'art du Royaume Uni et des possessions de Sa Majesté Britannique, qui peuvent être importées dans les ports de Sa Majesté l'Empereur de toutes les Russies, jouiront réciproquement, à tous égards, des mêmes privilèges et immunités, et pourront être importées et exportées exactement de la même manière, sur les navires de l'une comme sur les navires de l'autre des Hautes Parties Contractantes.

ARTICLE V.

All articles which are not the productions of the soil, industry, and art of the respective States or of their possessions, and which may be legally imported from the ports of His Majesty the Emperor of all the Russias, as likewise from those of the rivers and streams mentioned in the Third Article, into the ports of the United Kingdom of Great Britain and Ireland, and of all the possessions of Her Britannick Majesty, in Russian vessels, shall be subject to the same duties only as would be payable upon the same articles, if they were imported in British vessels.

In like manner, all articles which are not the productions of the soil, industry, and art of the respective States or of their possessions, and which may be legally imported from the ports of the United Kingdom, and of all the possessions of Her Britannick Majesty, into the ports of His Majesty the Emperor of all the Russias, in British vessels, shall be subject to the same duties only which would be payable upon the same articles, if they were imported in Russian vessels.

Her Britannick Majesty grants by this Treaty to Russian navigation and trade, all the benefits and privileges of navigation and commerce now enjoyed, or which may hereafter be enjoyed, by the most favoured nations, under existing laws and Acts of Parliament, or in virtue of Orders in Council, or Treaties.

ARTICLE V.

Tous les objets qui ne sont pas des productions du sol, de l'industrie, et de l'art des Etats respectifs ou de leurs possessions, et qui peuvent légalement être importées des ports de Sa Majesté l'Empereur de toutes les Russies, ainsi que de ceux des fleuves et rivières dont il est fait mention à l'Article III., dans les ports du Royaume Uni de la Grande Bretagne et d'Irlande, et de toutes les possessions de Sa Majesté Britannique, sur des vaisseaux Russes, ne seront soumis qu'aux mêmes droits que payeraient ces mêmes objets, s'ils étaient importés sur des vaisseaux Anglais.

De même, tous les objets qui ne sont pas des productions du sol, de l'industrie, et de l'art des Etats respectifs ou de leurs possessions, et qui peuvent légalement être importés des ports du Royaume Uni et de toutes les possessions de Sa Majesté Britannique dans les ports de Sa Majesté l'Empereur de toutes les Russies, sur des vaisseaux Anglais, ne seront soumis qu'aux mêmes droits que payeraient ces mêmes objets, s'ils étaient importés sur des vaisseaux Russes.

Sa Majesté Britannique accorde par le présent Traité à la navigation et au commerce Russes, tous les bénéfices et privilèges de navigation et de commerce dont jouissent actuellement, ou dont pourraient jouir par la suite, soit par les lois existantes et Actes du Parlement, soit en vertu d'Ordres du Conseil, ou par Traités, les nations les plus favorisées.

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ARTICLE VI.

All merchandize and articles of commerce which, according to the stipulations of the present Treaty, or according to the laws and ordinances in force in the respective Countries, may be legally imported into or exported from the dominions and possessions of the two High Contracting Parties, either under the British flag, or under the Russian flag, shall, in like manner, be subject to the same duties, whether imported in vessels of the other State, or in national vessels: and the same bounties, drawbacks, and advantages shall be granted upon all merchandize and articles of commerce which may be legally exported from the ports of either State, whether exported in vessels of the one or in vessels of the other State.

ARTICLE VI.

Toutes les marchandises et objets de commerce qui, d'après les stipulations convenues par le présent Traité, ou d'après les règlemens et ordonnances en vigueur dans les Pays respectifs, peuvent être légalement importés dans les Etats et les possessions des Hautes Parties Contractantes, ou exportés de ces mêmes Etats ou possessions, soit sous pavillon Anglais, soit sous pavillon Russe, seront également assujettis aux mêmes droits, qu'ils soient importés par les navires de l'autre Etat, ou par les bâtimens nationaux: et il sera accordé pour toutes les marchandises et objets de commerce dont la sortie des ports des deux Etats est permise, les mêmes primes, remboursemens de droits, et avantages, que l'exportation s'en fasse par les navires de l'un ou par ceux de l'autre Etat.

ARTICLE VII.

All merchandize and articles of commerce which shall be imported into, deposited or warehoused in, the ports of the dominions and possessions of the High Contracting Parties, shall be subject, while so warehoused, to the same regulations, conditions, and duties, whether imported in British or in Russian vessels. In the same manner, the re-exportation of such merchandize or articles of commerce shall be treated in the same manner, and be liable to the payment of the same duties, whether exported in British or in Russian vessels.

ARTICLE VII.

Toutes les marchandises et objets de commerce qui seront importés, déposés, ou emmagasinés dans les ports des Etats et possessions des Hautes Parties Contractantes, seront soumis, pendant la durée de l'emmagasinage, aux mêmes règlemens, conditions, et droits, qu'ils aient été importés sur des navires Anglais ou sur des navires Russes. De la même manière, la réexportation de ces marchandises ou objets de commerce sera soumise au même traitement et aux mêmes droits, qu'ils soient exportés sur des navires Anglais ou sur des navires Russes.

ARTICLE VIII.

No priority or preference shall be given, directly or indirectly, by either of the two Governments, or by any Company, Corporation, or Agent acting in its name or under its authority, in the purchase of any production of the soil, industry, or art of either of the two States and their possessions, imported into the ports of the other, on account of the nationality of the vessel in which such article may

ARTICLE VIII.

Il ne sera donné, ni directement ni indirectement, ni par l'un des deux Gouvernemens, ni par aucune Compagnie, Corporation, ou Agent agissant en son nom ou sous son autorité, aucune préférence quelconque pour l'achat d'aucune production du sol, de l'industrie, ou de l'art de l'un des deux Etats et de ses possessions, importée dans les ports de l'autre, à cause de la nationalité du navire qui aurait trans-

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have been imported; it being the fixed intention of the two Contracting Parties, that no difference or distinction whatever shall be made in this respect.

porté cette production; l'intention bien positive des deux Parties Contractantes étant, qu'aucune différence ou distinction quelconque n'ait lieu à cet égard.

ARTICLE IX.

In regard to the commerce to be carried on in Russian vessels with the British possessions in the East Indies, Her Britannick Majesty consents to grant to the subjects of His Majesty the Emperor of all the Russias, the same advantages and privileges as are or may be enjoyed, under any Treaty or Act of Parliament, by the subjects or citizens of the most favoured nation; subject to the laws, rules, regulations, and restrictions which are or may become applicable to the vessels and subjects of any other State enjoying the same advantages and privileges for trading with the said possessions.

ARTICLE IX.

Quant au commerce à faire par les vaisseaux Russes avec les possessions Anglaises dans les Indes Orientales, Sa Majesté Britannique consent à accorder aux sujets de Sa Majesté l'Empereur de toutes les Russies, les mêmes avantages et privilèges dont jouissent ou pourront jouir, en conséquence de tout Traité ou Acte quelconque du Parlement, les sujets ou citoyens de la nation la plus favorisée; soumis aux lois, règles, règlemens, et restrictions qui sont ou peuvent devenir applicables aux vaisseaux et aux sujets de tout autre Etat jouissant des mêmes avantages et privilèges pour faire le commerce avec les dites possessions.

ARTICLE X.

The stipulations of the present Treaty shall not apply to the coasting trade carried on between port and port in the dominions of either Contracting Party, by the sailing or steam vessels of the other, so far as regards the carrying of passengers, merchandize, or articles of commerce; this trade being reserved exclusively to national vessels.

ARTICLE X.

Les stipulations du présent Traité ne s'appliqueront point au commerce de cabotage entre les ports indigènes d'une des Parties Contractantes, par les bâtimens à voile ou à vapeur de l'autre, pour ce qui regarde la prise à bord de personnes, de marchandises, ou d'objets de commerce; ce genre de transport étant réservé exclusivement aux bâtimens nationaux.

ARTICLE XI.

The vessels and subjects of the High Contracting Parties shall, by the present Treaty, reciprocally enjoy all such advantages, immunities, and privileges, in the ports of their respective dominions and possessions, as are now enjoyed by the Navigation and Commerce of the most favoured nations; the intention being to secure, in the United Kingdom and in the British possessions, to Russian vessels and subjects, the full and entire advantages of Navigation and Commerce granted by existing laws and Acts of Parliament, Orders in Council, or Treaties, to other Powers, or which

ARTICLE XI.

Les vaisseaux et sujets des Hautes Parties Contractantes jouiront par le présent Traité, réciproquement, de tous les avantages, immunités, et privilèges, dans les ports de leurs Etats respectifs et leurs possessions, dont jouissent présentement la Navigation et le Commerce des nations les plus favorisées; l'objet en étant d'assurer, dans le Royaume Uni et les possessions Britanniques, aux vaisseaux et sujets Russes, les avantages pleins et entiers de Navigation et de Commerce accordés par les lois existantes et Actes du Parlement, Ordres du Conseil, ou par Traités, à d'autres Puissances, ou

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may hereafter be granted; and, in like manner, British vessels and subjects shall enjoy, in the ports of the dominions and possessions of His Majesty the Emperor of all the Russias, the full and entire advantages of Navigation and Commerce granted by existing laws, regulations, and ordinances, or by Treaties, to Foreign Powers, or which may hereafter be granted. And Their Majesties the Queen of the United Kingdom of Great Britain and Ireland, and the Emperor of all the Russias, engage reciprocally not to grant any favours, privileges, or immunities whatsoever, in matters of Commerce and Navigation, to the subjects or citizens of any other State, which shall not be also at the same time granted to the subjects of the other High Contracting Party, gratuitously, if the concession in favour of the other State shall have been gratuitous, or upon giving as nearly as possible the same compensation or equivalent, in case the concession shall have been conditional.

qui pourraient être accordés à l'avenir; et de même, les vaisseaux et sujets Britanniques jouiront, dans les ports des Etats et possessions de Sa Majesté l'Empereur de toutes les Russies, des avantages pleins et entiers de Navigation et de Commerce accordés par les lois existantes, règlemens, ordonnances, ou par Traités, à des Puissances Etrangères, ou qui pourraient être accordés à l'avenir. Et Leurs Majestés la Reine du Royaume Uni de la Grande Bretagne et d'Irlande, et l'Empereur de toutes les Russies, s'engagent réciproquement à n'accorder aucunes faveurs, privilèges, ou immunités quelconques, en matière de Commerce et de Navigation, aux sujets ou citoyens d'aucun autre Etat, qui ne soient en même tems accordés aux sujets de l'autre des Hautes Parties Contractantes, gratuitement, si la concession en faveur de l'autre Etat a été gratuite, ou en donnant, en autant qu'il sera possible de le faire, la même compensation ou le même équivalent, dans le cas où la concession aura été conditionnelle.

ARTICLE XII.

It is understood that, in regard to commerce and navigation in the Russian possessions on the North-West coast of America, the Convention concluded at St. Petersburgh, on the $\frac{16}{28}$th February, 1825, continues in force.

ARTICLE XII.

Il est entendu que pour ce qui concerne le commerce et la navigation dans les possessions Russes sur la côte Nord-Ouest de l'Amérique, la Convention conclue à St. Pétersbourg, le $\frac{16}{28}$ Février, 1825, est maintenue en vigueur.

ARTICLE XIII.

Any British or Russian vessel which may be compelled by stress of weather or by accident to take shelter in the ports of either of the High Contracting Parties, shall be at liberty to refit therein, to procure all necessary stores, and to put to sea again, without paying any other than port and light-house dues, which shall be the same as those payable by national vessels. In case, however, the master of such vessel should be under the necessity of disposing of a part of his merchandize in order to defray his expenses, he shall be bound to conform to the regulations and tariffs of the place to which he may have come.

ARTICLE XIII.

Tout vaisseau Britannique ou Russe, qui sera forcé par des tempêtes ou par quelque accident de se réfugier dans les ports de l'une ou l'autre des Hautes Parties Contractantes, aura la liberté de s'y radouber, de s'y pourvoir de tous les objets qui lui seront nécessaires, et de se remettre en mer, sans payer d'autres droits que ceux de port et de fanaux, lesquels seront pour lui les mêmes que pour les bâtimens nationaux. Si, cependant, le patron d'un tel navire se trouvait dans la nécessité de se défaire d'une partie de ses marchandises pour subvenir à ses dépenses, il sera tenu de se conformer aux ordonnances et aux tarifs de l'endroit où il aura abordé.

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In the event of a vessel being wrecked at a place belonging to either of the High Contracting Parties, there shall not only be afforded to the persons shipwrecked every kind of assistance, but, moreover, the merchandize and effects which they may have thrown overboard, or which may have been saved, shall not be seized or detained under any pretext whatsoever. The said effects and merchandize shall, on the contrary, be preserved and restored on payment of the same rate of salvage, and of customs or other duties, which would have been payable in the like case of a wreck of a national vessel. In the case either of shipwreck, or of a vessel being driven into port by stress of weather, the respective Consuls, Vice-Consuls, or Commercial Agents, shall be authorized to interpose in order to afford the necessary assistance to their fellow-countrymen.

En cas de naufrage arrivé dans un endroit appartenant à l'une ou à l'autre des Hautes Parties Contractantes, non seulement il sera donné toute sorte d'assistance aux naufragés, mais encore les marchandises et effets qu'ils auraient jetés à la mer, ou qui auraient été sauvés, ne seront point saisis ou retenus sous quelque prétexte que ce soit. Les dits effets et marchandises seront au contraire conservés et rendus, moyennant l'acquittement du même taux de sauvetage, ainsi que des mêmes droits de douane ou autres, que payerait en pareil cas un bâtiment national. Dans l'un et l'autre cas de relâche forcée ou de naufrage, les Consuls, Vice-Consuls, ou Agens Commerciaux respectifs, seront autorisés à intervenir pour prêter l'assistance nécessaire à leurs nationaux.

ARTICLE XIV.

The Consuls, Vice-Consuls, or Commercial Agents of each of the two High Contracting Parties residing in the dominions of the other, shall receive from the local authorities such assistance as can by law be given to them, for the recovery of deserters from ships of war or merchant vessels of their respective countries.

ARTICLE XIV.

Les Consuls, Vice-Consuls, ou Agens Commerciaux de chacune des deux Hautes Parties Contractantes résidant dans les Etats de l'autre, recevront des autorités locales, toute l'assistance qui pourra légalement leur être accordée, pour la restitution des déserteurs des navires de guerre ou marchands de leurs pays respectifs.

ARTICLE XV.

The present Treaty shall remain in force during the space of ten years dating from the exchange of the ratifications thereof; and further, until the expiration of twelve months after either of the High Contracting Parties shall have given notice to the other of its intention to put an end thereto; each of the High Contracting Parties reserving to itself the right of giving such notice to the other at the expiration of the first nine years: and it is agreed between them, that at the expiration of twelve months after such notice shall have been received by either of the High Contracting Parties from the other, the present Treaty, and all the stipulations contained therein, shall cease to be binding on the two Parties.

ARTICLE XV.

Le présent Traité restera en vigueur pendant l'espace de dix ans à dater de l'échange des ratifications, et au-delà de ce terme, jusqu'à l'expiration de douze mois après que l'une des Hautes Parties Contractantes aura donné avis à l'autre de son intention d'en faire cesser l'effet, chacune des Hautes Parties Contractantes se réservant le droit de donner un pareil avis à l'autre à l'expiration des premières neuf années : et il est convenu entr'elles, qu'à l'échéance de douze mois après que pareil avis de l'une des Hautes Parties Contractantes aura été reçu par l'autre, le présent Traité, et toutes les stipulations qu'il renferme, cesseront d'être obligatoires pour les deux Parties.

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ARTICLE XVI.

The present Treaty shall be ratified, and the Ratifications thereof exchanged at London, at the expiration of one month, or sooner if possible.

In witness whereof the respective Plenipotentiaries have signed the same, and have fixed thereto the seals of their arms.

Done at St. Petersburgh, the eleventh/thirtieth day of January/December, in the year of our Lord one thousand eight hundred and forty-three/two.

(L.S.) STUART DE ROTHSAY.
(L.S.) NESSELRODE.
(L.S.) CANCRINE.

ARTICLE XVI.

Le présent Traité sera ratifié, et les Ratifications en seront échangées à Londres, à l'expiration d'un mois, ou plus tôt si faire se peut.

En foi de quoi les Plénipotentiaires respectifs l'ont signé, et y ont apposé les sceaux de leurs armes.

Fait à St. Pétersbourg, le onze/trente Janvier/Décembre, l'an de grâce mil-huit-cent-quarante trois/deux.

(L.S.) STUART DE ROTHSAY.
(L.S.) NESSELRODE.
(L.S.) CANCRINE.

SEPARATE ARTICLE I.

The commercial intercourse of Russia with the Kingdoms of Sweden and Norway being regulated by special stipulations, which may hereafter be renewed, and which do not form part of the regulations applicable to foreign Commerce in general, the two High Contracting Parties, being desirous of removing from their commercial relations every kind of doubt or cause for discussion, have agreed that those special stipulations granted in favour of the commerce of Sweden and Norway, in consideration of equivalent advantages granted in those countries to the Commerce of the Grand Duchy of Finland, shall in no case apply to the relations of Commerce and Navigation established between the two High Contracting Parties by the present Treaty.

ARTICLE SÉPARÉ I.

Les relations commerciales de la Russie avec les Royaumes de Suède et de Norvège, étant réglées par des stipulations spéciales, qui pourront être renouvelées dans la suite, sans que les dites stipulations soient liées aux règlemens existans pour le Commerce étranger en général, les deux Hautes Parties Contractantes, voulant écarter de leurs relations commerciales toute espèce d'équivoque ou de motif de discussion, sont tombées d'accord que ces stipulations spéciales accordées au commerce de la Suède et de la Norvège, en considération d'avantages équivalens accordés dans ces pays au Commerce du Grand Duché de Finlande, ne pourront dans aucun cas être invoquées en faveur des relations de Commerce et de Navigation sanctionnées entre les deux Hautes Parties Contractantes par le présent Traité.

SEPARATE ARTICLE II.

It is understood, in like manner, that the exemptions, immunities and privileges hereinafter mentioned, shall not be considered as at variance with the principle of reciprocity which forms the basis of the Treaty of this date, that is to say:—

1. The exemption from navigation dues during the first three

ARTICLE SÉPARÉ II.

Il est entendu de même, que ne seront point censés déroger au principe de réciprocité qui est la base du Traité de ce jour, les franchises, immunités, et privilèges mentionnés ci-après, savoir:—

1°. La franchise dont jouissent les vaisseaux construits en Russie,

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years, which is enjoyed by vessels built in Russia, and belonging to Russian subjects;

2. The exemptions of the like nature granted in the Russian ports of the Black Sea, the Sea of Azoff, and the Danube, to such Turkish vessels arriving from ports of the Ottoman Empire, situated on the Black Sea, as do not exceed eighty lasts burthen;

3. The permission granted to the inhabitants of the coast of the Government of Archangel, to import duty free, or on payment of moderate duties, into the ports of the said Government, dried or salted fish, as likewise certain kinds of furs, and to export therefrom, in the same manner, corn, rope and cordage, pitch, and ravensduck;

4. The privilege of the Russian American Company;

5. The privilege of the Steam Navigation Companies of Lubeck and Hâvre; lastly,

6. The immunities granted in Russia to certain English Companies, called "Yacht Clubs."

The present Separate Articles shall have the same force and validity as if they were inserted, word for word, in the Treaty signed this day. They shall be ratified, and the ratifications thereof exchanged at the same time.

In witness whereof the respective Plenipotentiaries have signed the same, and have fixed thereto the seals of their arms.

Done at St. Petersburgh, the eleventh/thirtieth day of January/December, in the year of our Lord one thousand eight hundred and forty-three/two.

STUART DE ROTHSAY. (L.S.)
NESSELRODE. (L.S.)
CANCRINE. (L.S.)

et appartenant à des sujets Russes, lesquels, pendant les premières trois années, sont exempts des droits de navigation;

2°. Les exemptions de la même nature accordées dans les ports Russes de la Mer Noire, de celle d'Asoff, et du Danube, aux bâtimens Turcs venant des ports de l'Empire Ottoman situés sur la Mer Noire, et ne jaugeant pas au-delà de quatre-vingt lastes;

3°. La faculté accordée aux habitans de la côte du Gouvernement d'Archangel, d'importer en franchise ou moyennant des droits modérés, dans les ports du dit Gouvernement, du poisson sec ou salé, ainsi que certaines espèces de fourrures, et d'en exporter de la même manière des blés, cordes et cordages, du goudron, et du ravendouc;

4°. Le privilège de la Compagnie Russe Américaine;

5°. Celui des Compagnies de Lubeck et du Hâvre pour la navigation à vapeur; enfin,

6°. Les immunités accordées en Russie à différentes Compagnies Anglaises, dites "Yacht Clubs."

Les présens Articles Séparés auront la même force et valeur que s'ils étaient insérés, mot à mot, dans le Traité de ce jour. Ils seront ratifiés, et les ratifications en seront échangées en même tems.

En foi de quoi les Plénipotentiaires respectifs les ont signés, et y ont apposé les sceaux de leurs armes.

Fait à St. Pétersbourg, le onze/trente Janvier/Décembre, l'an de grâce mil-huit-cent-quarante trois/deux.

STUART DE ROTHSAY. (L.S.)
NESSELRODE. (L.S.)
CANCRINE. (L.S.)

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TREATIES

AND

HATTI-SHERIFFS

RELATING TO

SERVIA.

Presented to the House of Commons, by the Queen's Command, May, 1843.

LONDON:
PRINTED BY T. R. HARRISON.

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TREATIES AND HATTI-SHERIFFS

RELATING TO SERVIA.

No. 1.

Treaty of Peace between Russia and Turkey, signed at Bucharest, on the $\frac{16}{28}$th May, 1812. (*Communicated to the British Ambassador at St. Petersburgh by the Chancellor of the Empire, September,* 1812.)

(Extrait.)

ARTICLE VIII.—Conformément à ce qui est stipulé par Article IV des préliminaires, quoiqu'il soit certain que la Sublime Porte, par une suite de ses principes, usera de clémence et de générosité envers la nation Servienne, qui est, *ab antiquo*, sujette et tributaire de cette Puissance, cependant, vu la part que les Serviens ont prise dans les opérations de cette guerre, il a été jugé convenable de stipuler expressément leur sûreté. En conséquence, la Sublime Porte accorde aux Serviens un pardon et une amnistie générale, et ils ne pourront être inquiétés en aucune manière pour leurs actions passées. Les fortifications qu'ils peuvent avoir élevées par une suite de la guerre, dans les pays qu'ils habitent, et qui n'y existaient point anciennement, devenant désormais inutiles, seront détruites, et la Sublime Porte rentrera en possession comme elle l'était par le passé, de toutes les forteresses, palanques, et autres lieux fortifiés qui existent de tout tems, avec l'artillerie, les munitions, et autres objets et ustensiles militaires, et elle y établira des garnisons suivant que bon lui semblera. Mais, afin que les garnisons ne commettent contre les Serviens aucune espèce de vexations au mépris des droits de sujets, la Sublime Porte, mue par un sentiment de clémence, réglera avec la nation Servienne, les sûretés qui seront nécessaires à cet effet. Elle accordera aux Serviens, sur leurs instances, les mêmes avantages dont jouissent ses sujets des îles de l'Archipel, et d'autres contrées, et leur fera éprouver les effets de sa haute clémence, en leur abandonnant à eux-mêmes l'administration de leurs affaires intérieures, en fixant la masse de leurs tributs, en les recevant de leurs propres mains ; et elle réglera enfin tous ces objets, de concert avec la nation Servienne.

(Translation.)

(Extract.)

ARTICLE VIII.—In conformity with what is stipulated in the Fourth Article of the preliminaries, although it is certain that the Sublime Porte, agreeably to its principles, will display clemency and generosity towards the Servian nation, which is, of old, subject and tributary to that Power, nevertheless, considering the share which the Servians have taken in the operations of this war, it has been judged fitting expressly to stipulate for their security. Accordingly, the Sublime Porte grants pardon and general amnesty to the Servians, and they shall not be disquieted in any manner for their past actions. The fortifications which they may have raised in consequence of the war, in the countries inhabited by them, and which did not exist of old time, being henceforth useless, shall be destroyed, and the Sublime Porte shall re-enter into

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possession, as she was in former times, of all the fortresses, block-houses, and other fortified places which have at all times existed, together with the artillery, ammunition, and other articles and military stores, and she shall establish garrisons therein as shall seem good to her. But, in order that the garrisons may not exercise any species of vexation against the Servians, in disregard of their rights as subjects, the Sublime Porte, influenced by a sentiment of clemency, will settle with the Servian nation the securities which shall be necessary for that purpose. She will grant to the Servians, at their request, the same advantages as are enjoyed by her subjects in the islands of the Archipelago and in other countries, and will cause them to experience the effects of her exalted clemency, by conferring upon them the administration of their internal affairs, by fixing the sum total of their tributes, by receiving the same from their own hands; and finally she will settle all these matters in concert with the Servian nation.

No. 2.

Convention between Russia and Turkey, explanatory of the Treaty of Bucharest, signed at Ackermann on the $\frac{\text{25th September}}{\text{7th October}}$, 1826. (*Communicated to the British Government by Prince Lieven, December* 11, 1826.)

(Extrait.)

ARTICLE V.—La Sublime Porte Ottomane, désirant donner à la Cour Impériale de Russie un témoignage éclatant de ses dispositions amicales, et de sa scrupuleuse attention à remplir en entier les conditions du Traité de Boucarest, mettra immédiatement à exécution toutes les clauses de l'Article VIII de ce traité, relatives à la nation Servienne, laquelle étant, *ab antiquo*, sujette et tributaire de la Sublime Porte, devra éprouver en toute occasion les effets de sa clémence et de sa générosité. En conséquence, la Sublime Porte réglera avec les députés de la nation Servienne, les mesures qui seront jugées les plus convenables pour lui assurer les avantages stipulés en sa faveur, avantages dont la jouissance sera tout à la fois la juste récompense et le meilleur gage de la fidélité dont cette nation a donné des preuves à l'Empire Ottoman. Comme un terme de dix-huit mois est jugé nécessaire pour procéder aux vérifications qu'exige cet objet, conformément à l'Acte Séparé ci-joint, convenu entre les Plénipotentiaires respectifs, les dites mesures seront réglées et arrêtées de concert avec la députation Servienne à Constantinople, et consignées en détail dans un firman suprême revêtu du Hatti-Chérif, lequel sera mis en vigueur dans le plus court délai possible, et au plus tard dans le susdit terme de dix-huit mois, et sera en outre communiqué à la Cour Impériale de Russie, et considéré dès-lors comme faisant partie intégrante de la présente Convention.

(Translation.)

(Extract.)

ARTICLE V.—The Sublime Ottoman Porte being desirous of giving to the Imperial Court of Russia a striking proof of her friendly dispositions, and of her scrupulous attention wholly to fulfil the conditions of the Treaty of Bucharest, will immediately carry into execution all the clauses of the Eighth Article of that Treaty relative to the Servian nation, which being, of old, subject and tributary to the Sublime Porte, shall experience on all occasions the effects of her clemency and generosity. Accordingly, the Sublime Porte will settle with the deputies of the Servian nation, the measures which shall be judged most suitable for ensuring it the advantages stipulated in its favour,—advantages whereof the enjoyment will be at once the just reward and the best pledge of the fidelity of which that nation has given proofs to the Ottoman Empire. As a period of eighteen months is considered necessary in order to carry out the inquiries requisite for this purpose, in conformity with the Separate Act

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hereunto annexed which has been agreed upon between the respective Plenipotentiaries, the said measures shall be settled and determined upon in concert with the Servian deputies at Constantinople, and recorded at length in a sovereign firman decorated with the Hatti-Sheriff, which shall be carried into effect with the shortest possible delay, and at the latest within the aforesaid period of eighteen months, and shall moreover be communicated to the Imperial Court of Russia, and thenceforth considered as forming an integral part of the present Convention.

No. 3.

Separate Act relating to Servia annexed to the Convention between Russia and Turkey, explanatory of the Treaty of Bucharest, signed at Ackermann, September 25, / October 7, 1826. (*Communicated to the British Government by Prince Lieven, December* 11, 1826.)

LA Sublime Porte, dans l'unique intention de remplir fidèlement les stipulations de l'Article VIII du Traité de Boucarest, ayant précédemment permis aux députés Serviens à Constantinople, de lui présenter les demandes de leur nation, sur les objets les plus convenables pour consolider la sûreté et le bien-être du pays, ces députés avaient précédemment exposé dans leur requête, le vœu de la nation, relativement à quelques uns de ces objets, tels que la liberté du culte, le choix de ses chefs, l'indépendance de son administration intérieure, la réunion des districts détachés de la Servie, la réunion des différens impôts en un seul, l'abandon aux Serviens de la régie des biens appartenant à des Musulmans, à charge d'en payer le revenu ensemble avec le tribut, la liberté de commerce, la permission aux négocians Serviens de voyager dans les Etats Ottomans avec leurs propres passeports, l'établissement d'hôpitaux, écoles et imprimeries, et enfin la défense aux Musulmans, autres que ceux appartenant aux garnisons, de s'établir en Servie. Tandis que l'on s'occupait à vérifier et à régler les Articles ci-dessus spécifiés, certains empêchemens survenus en motivèrent l'ajournement. Mais la Sublime Porte, persistant aujourd'hui encore dans la ferme résolution d'accorder à la nation Servienne les avantages stipulés dans l'Article VIII du Traité de Boucarest, elle réglera, de concert avec les députés Serviens à Constantinople, les demandes ci-dessus mentionnées de cette nation fidèle et soumise, comme aussi toutes les autres qui lui seraient présentées par la députation Servienne, et qui ne seraient point contraires à la qualité des sujets de l'Empire Ottoman.

La Sublime Porte informera la Cour Impériale de Russie de l'exécution qu'aura reçue l'Article VIII du Traité de Boucarest, et lui communiquera le firman revêtu du Hatti-Chérif par lequel les susdits avantages seront accordés.

C'est pourquoi, nous Soussignés, Plénipotentiaires de Sa Majesté l'Empereur et Padichah de toutes les Russies, munis des pleins-pouvoirs souverains, de concert avec les Plénipotentiaires de la Sublime Porte Ottomane, avons arrêté et réglé à l'égard des Serviens, les points ci-dessus, lesquels sont la conséquence de l'Article V de la Convention explicative et confirmative du Traité de Boucarest conclue en Huit Articles dans les Conférences à Ackermann, entre nous et les Plénipotentiaires Ottomans.

En conséquence, le présent Acte Séparé a été rédigé, muni de nos cachets et de nos signatures, et délivré entre les mains des Plénipotentiaires de la Sublime Porte.

Fait à Ackermann, le 25 Septembre, 1826.

(L.S.) COMTE M. WORONZOW
(L.S.) RIBEAUPIERRE.

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(Translation.)

THE Sublime Porte, with the sole intention of faithfully fulfilling the stipulations of the Eighth Article of the Treaty of Bucharest, having heretofore allowed the Servian deputies at Constantinople to lay before her the demands of their nation upon the matters most suitable for the consolidation of the security and well-being of the country, those deputies had heretofore set forth in their memorial the wish of the nation with respect to certain of those matters, such as freedom of religious worship, the choice of its chiefs, the independence of its internal administration, the re-annexation of the districts detached from Servia, the consolidation of the various taxes into a single sum, the making over to the Servians the administration of the properties belonging to Mussulmans, subject to the payment of the proceeds thereof at the same time with the tribute, liberty of commerce, permission for the Servian merchants to travel in the Ottoman dominions with their own passports, the establishment of hospitals, schools, and printing-houses; and, finally, the prohibition to Mussulmans, other than those belonging to the garrisons, to establish themselves in Servia. Whilst the Articles above specified were being inquired into and settled, certain obstacles which occurred were the occasion of their being deferred. But the Sublime Porte, still persisting at the present time in the firm resolution of granting to the Servian nation the advantages stipulated in the Eighth Article of the Treaty of Bucharest, will settle, in concert with the Servian Deputies at Constantinople, the above-mentioned demands of that faithful and submissive nation, as well as all the other demands which may be laid before her by the Servian Deputation, and which may in no respect be contrary to the character of subjects of the Ottoman Empire.

The Sublime Porte will acquaint the Imperial Court of Russia with the manner in which the Eighth Article of the Treaty of Bucharest shall have been executed, and will communicate to it the firman decorated with the Hatti-Sheriff, by which the above-mentioned advantages shall be granted.

Wherefore, we the Undersigned, Plenipotentiaries of His Majesty the Emperor and Padishah of all the Russias, furnished with sovereign Full Powers, in concert with the Plenipotentiaries of the Sublime Ottoman Porte, have agreed upon and settled, with respect to the Servians, the above points, which are the result of the Fifth Article of the Convention explanatory and confirmatory of the Treaty of Bucharest, concluded in eight Articles in the conferences at Ackermann, between us and the Ottoman Plenipotentiaries.

Accordingly, the present Separate Act has been drawn up, sealed, and signed by us, and delivered to the Plenipotentiaries of the Sublime Porte.

Done at Ackermann, the 25th September, 1826.

(L.S.) COMTE M. WORONZOW.
(L.S.) RIBEAUPIERRE.

No. 4.

Treaty of Peace between Russia and Turkey, signed at Adrianople, September $\frac{2}{14}$, 1829. (*Communicated to the British Government by Prince Lieven, October* 20, 1829.)

(Extrait.)

ARTICLE VI.—Les circonstances survenues depuis la conclusion de la Convention d'Ackermann n'ayant pas permis à la Sublime Porte de s'occuper immédiatement de la mise à exécution des clauses de l'Acte Séparé relatif à la Servie, et annexé à l'Article V de la dite convention; elle s'engage, de la manière la plus solennelle, à les remplir sans le moindre délai et avec la plus scrupuleuse exactitude, et à procéder nommément à la restitution immédiate des six districts détachés de la Servie, de manière

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à assurer pour toujours la tranquillité et le bien-être de cette nation fidèle et soumise. Le firman revêtu du Hatti-Chérif qui ordonnera l'exécution des susdites clauses, sera délivré et officiellement communiqué à la Cour Impériale de Russie, dans le terme d'un mois, à dater de la signature du présent Traité de Paix.

(Translation.)

(Extract.)

ARTICLE VI.—The circumstances which occurred since the conclusion of the Convention of Ackermann not having allowed the Sublime Porte to employ herself immediately in carrying into execution the clauses of the Separate Act relating to Servia, and annexed to the Fifth Article of the said Convention, she undertakes, in the most solemn manner, to fulfil them without the least delay, and with the most scrupulous exactness, and specifically to proceed to the immediate restoration of the six districts detached from Servia, so as to ensure for ever the tranquillity and well-being of that faithful and submissive nation. The firman decorated with the Hatti-Sheriff which shall ordain the execution of the aforesaid clauses, shall be delivered and officially communicated to the Imperial Court of Russia within the space of one month, dating from the signature of the present Treaty of Peace.

Hatti-Sheriffs issued by the Sublime Porte to Servia in the years 1829, 1830, *and* 1833. (*Received from the British Consulate-General in Servia.*)

No. 5.

Hatti-Sheriff of 1829.

(Translation.)

To our intelligent and wise Vizier, &c., &c., Hossein Pasha, Governor of Belgrade, &c., &c., and to the eminent and learned Kadi, the upright and virtuous Judge of Belgrade, &c., &c.

ON the arrival of this Imperial mandate, it may be known to you that, in the Fifth Article of the Treaty concluded at Ackermann, between our Sublime Porte and the Court of Russia, it was agreed that, whether in conformity with her friendly intentions, or in accordance with the Articles of the Treaty of Bucharest, the Sublime Porte, in proof of her consideration and attention towards Russia, would complete and manifest her mercy and philanthropy for her subjects, who formerly paid her the capitation taxes. Thus, in order amply to remunerate the Servian nation for the firm submission and fidelity which they have always shown to the Ottoman Throne, the Sublime Porte has deemed it proper to fulfil now all the promises and provisions contained in the Eighth Article of the said Treaty of Bucharest, in favour and for the benefit of the Servian nation and country, and to communicate with the Servian deputies now at Constantinople, upon the method and arrangement of the accomplishment and execution of those points, which were necessarily postponed for a period of eighteen months for further consideration and investigation; and, as in accordance with the tenor of a separate agreement, these points, after conferring with the said Servian deputies, have been brought to a final arrangement and method, it became necessary that an Imperial firman, detailing and specifying those points and provisions, should be issued from our Imperial Divan, without delay, and be made public, and known to the Court of Russia. We, therefore, in fulfilment of the said Eighth Article of the Treaty of Bucharest, as well as of the contents of the before-mentioned separate agreement, have given our Imperial permission to the said Servian deputies, to represent to us the wishes and claims of their nation, and we have likewise decreed, and given leave to

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these deputies, that the Servians might freely exercise in their country their mode of worship, and follow their own religion; that they might elect their own chiefs from amongst themselves; that the administration of the internal affairs of their country, might be under their own authority; that the detached provinces of Servia might be added and united to it; that the different kind of taxes, revenues, and capitation duties, might be all consolidated and fixed into one sum; as also the direction or administration of fiefs out of the estates and property belonging to the Turks, might be left to the management of the Servians; that, for the sake of free trade, they might have the liberty and permission, with their own passports in hand, to pass and go through the dominions of the Sublime Porte as Servian merchants; that they might erect and build hospitals, schools, and printing-offices in their own country; and lastly, the Mussulmans or Turks, except those who are to guard the castles, should be prohibited to reside in Servia.

Similar other points, connected with the tranquillity and benefit of Servia, had been petitioned for by the Servian nation before now, from the Sublime Porte, but which points, owing to some circumstances as to their arrangement and regulation, have been left as they were. The Sublime Porte, however, in accordance with the good intentions expressed by her, in the Eighth Article of the Treaty of Bucharest, for the advantage and assistance of the Servians, had decided that all the said points, which they have demanded, might be granted to them, after being discussed with the Servian deputies now at Constantinople, and brought under an arrangement, without infringing upon the rules of loyalty, as a reward, out of our mercy and generosity, for the fidelity and submission which they have always shown to us; and thus the fulfilment of the said Eighth Article might be proved, on our part, to the Court of Russia. But while an Imperial firman was on the point of being issued, with our Royal Signet, to this effect, and some Commissioner being appointed on our part to confer with the Servian deputies, unforeseen hostile differences appeared (between the Porte and Russia), and consequently the said conference remained unfinished.

As now, however, in the Treaty newly concluded with Russia at Adrianople, it was agreed in the Sixth Article, that the fulfilment of the Separate Convention concerning Servia, which took place previous to the Fifth Article of the Treaty of Ackermann, should be executed without delay, and the six districts which are detached from Servia should be immediately added and united to it, the Sublime Porte does now accordingly engage herself for, and promise the accomplishment thereof, for the sake of the happiness and tranquillity of her faithful and obedient subjects, the Servian nation.

For this purpose, this Imperial mandate, with our Royal Signet, has been issued to you, our Vizier and Kadi, for your instruction and guidance, and that you may make it publicly known and explained to my subjects, the Servian nation, and act, with care and attention, according to its noble contents.

Issued from our Imperial Divan, the beginning of Rebi-ul-Akhir, 1245, A. H. (About the 1st of October, 1829.)

No. 6.

Firman from Sultan Mahmoud II., dated the latter end of Rebi-ul-Akhir, 1246, *A.H., corresponding to the end of October,* 1830, *A.D.*

(Translation.)

To our intelligent Vizier, &c., Hossein Pasha, Governor of Belgrade, &c.; to the eminent and learned Kadi, the upright and virtuous Judge of Belgrade, &c.

ON the arrival of this Imperial mandate, it may be known to you, that, as the Treaty of Peace concluded at Adrianople, between our

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Sublime Porte and the Court of Russia, refers to the execution of the Articles of the Convention made at Ackermann, which enacts that there should be an understanding with the Servian Deputies at Constantinople, to settle their demands and claims; and as by my Imperial decree, granted to the Servian nation, subject to my Sublime Porte, I have graciously complied with their demands; that is to say, the liberty of worship; the internal administration; the reunion of detached districts; the consolidation of tribute; the administration of fiefs and Turkish estates; the permission of travelling for trading through the whole empire with their own passports; the liberty of establishing printing-offices, hospitals, and schools; the prohibition to the Turks (with the exception of those employed in the garrison of the fortresses) of inhabiting Servia; and likewise the liberty of seeking similar redress hereafter, so far as will not be contrary to the duties of a subject. And as the said nation, which has given to my Sublime Porte proofs of fidelity, is the object of my solicitude and my Imperial mercy, I have resolved to give her another proof of my Imperial bounty and favour, and to regulate the said privileges in a manner becoming the duty of a subject and his welfare, which will insure to the Servian nation the inviolability and stability of these privileges.

In consequence, therefore, after having consulted with the Servian Deputies at Constantinople, I order and decree as follows:—

That the said nation shall exercise divine worship in their churches with full liberty.

That their present Prince, Milosch Obrenovitz, in recompence of his fidelity towards my Sublime Porte, and in accordance with the berat which he possesses, will continue to be the Prince of the Servian nation, and this dignity will be hereditary in his family; he will continue, in the name of my Sublime Porte, to administer the internal affairs of the country, and to settle them in concert with the council and assembly of the chiefs and elders of the nation.

As for the six districts which the Servians claim as having been detached from their country, it has been agreed that Commissioners, appointed for that purpose, by my Sublime Porte and by the Russian Government, shall inquire into that question, in order to settle it hereafter as the case will require.

The Kharatch and all the other contributions will be definitively determined; the amount of the revenues of the military fiefs, of the Zaijms, and of the Timariotes, of the Sandjackat of Semendria (that of Nissa excepted, the administration of which will be given to the Servian Government), will be also valued, and added to the revenues of the districts about to be united to Servia.

The authorities of my Sublime Porte will not interfere in any manner whatever, neither in the internal administration nor in the affairs of the country; and they shall not be allowed to exact a single para beyond the usual tribute, as above stated, and which will be hereafter permanently fixed.

As it is my wish that the said nation should, under the protection of my Imperial power, participate in the benefit of commerce, all the Servians who may be desirous to devote themselves to commerce, shall receive from the authorities of my Sublime Porte, on showing the passports of their Prince, the necessary teskerés to travel in my empire, and to carry on commerce as all the other subjects of my Sublime Porte; nobody shall dare to vex them, nor to require a single para as fee for the teskerés; but, on the contrary, every one shall grant them protection and help in case of need; and, with the exception of the duties of the custom-house, no one shall ask from them either Avaid or Jevad, or any other tax, contrary to the laws of the empire; and great care must be taken that no one shall commit any vexation to subject him to punishment.

As with regard to the goods and merchandize which will pass through the custom-house at Belgrade to be sent to Constantinople, they will continue, as formerly, to be sent there, provided with Servian teskerés, and will pay here the custom-house duty.

Every seven years, according to the prices of merchandizes, the dues

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to be paid at the custom-house, will be determined, and will be increased or diminished accordingly.

The revenue of the custom-house duties which will be received on goods destined for any other place besides Constantinople, and which will pass through the custom-house of Belgrade, will be added in one sum to the other contributions of the Servian nation, and deposited in our Imperial treasury, through the medium of Prince Milosch.

For the repression of any disorder which might arise in Servia, and for the security of the public peace in the interior of the country, as well as for the punishment of the offenders, Prince Milosch shall keep the necessary standing armed force.

The Servians shall have the right of establishing in their country, printing offices, hospitals for their sick, and schools for the education of their children.

The Mussellims and the Voivodes shall no longer inhabit those places of Servia where there are no fortresses; and the administration of justice and the jurisdiction of those places shall be intrusted, for the future, to the aforesaid Prince.

The Turks who possess landed estates or property in Servia, and who would be desirous to sell them and to quit that country, shall be allowed a period of twelve months to do so to the Servians, at a reasonable price, which will be determined by commissioners appointed for that purpose. But the revenues of the vineyards, gardens, estates, and lands, belonging to the Turks unwilling to sell them, and to break off their connexions with the country, shall be valued at a reasonable price, and paid into the treasury of Belgrade with the annual tribute, and the said treasury will forward the money to the proper owners. No Turks, except those who garrison the fortresses, shall be allowed to inhabit Servia.

The Servian nation shall pay to the said Prince the sum requisite for his maintenance and expenses, but this sum must not be an intolerable burden upon the poor.

In case the dignity of Prince should be vacant, the new Prince appointed to this dignity shall be obliged to pay out of his own revenue the sum of 100,000 piastres when he receives from my Sublime Porte the noble berat of investiture.

The metropolitan and the bishops appointed to these dignities by the nation shall be confirmed by the Patriarch of Constantinople, without being obliged to come to Constantinople for that confirmation.

As long as the chiefs and elders, members of the council, of which mention has been made before, will not render themselves guilty of any grave offence towards my Sublime Porte, and towards the laws and the constitution of the country, they shall not be dismissed, nor shall they be deprived of their offices, without cause, or without having committed some fault.

Should the Servian nation think proper, for their own interests, to establish a post-office, they will meet with no obstacles from the authorities of my Sublime Porte.

If a Servian should not wish willingly to enter the service of a Turk he shall not be compelled to do so.

With the exception of the Imperial fortresses which anciently existed in Servia, all those that have been erected lately shall be demolished.

As Servia constitutes a part of my Empire (may it please God to maintain me in the whole possession of it!) there shall be no obstacle or impediment to the purchase of cattle or other objects of consumption which my Sublime Porte may want to purchase in the said country for ready money, and there shall always be at Constantinople a Servian deputation for the management of the affairs of the Servian nation.

These are the points finally determined upon; and as my august Hatti-Sheriff has been issued for that purpose, this is my Imperial mandate, written and proclaimed.

Now you, Vizier, and you, Mollah of Belgrade, when you have read the noble contents of this act, you will make it known to the said nation; and as long as they will duly appreciate the expressions of benevolence which are the result of my solicitude and Imperial mercy, and as long as

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they will remain in the bounds of fidelity and submission, they will not cease to be the object of my care and of my interest, and they will always be under the shade of my Imperial protection in peace and safety; but they must do all in their power to fulfil their duties as faithful subjects, and to take great care not to do anything contrary to those duties.

Thus you may, after having promulgated the contents of this noble firman, in the presence of the said nation, and after having registered it in the registers of the Mekkemé of Belgrade, give it to the said Prince, that he may keep it as he is in duty bound.

Issued from our Imperial Divan, the latter end of Rebi-ul-Akhir, 1246. (About the end of October, 1830.)

No. 7.

Firman from Sultan Mahmoud II., addressed to Prince Milosch Obrenovitz of Servia, dated 1st of Rejib, 1249, *A.H.* (*About the end of December,* 1833, *A.D.*)

(Translation.)

To the ornament of the Princes of the Christian nation, and the chief of the grandees of the followers of Jesus, the head Kniez (leader) of the Servian nation, Milosch Obrenovitz Bey; may his ends terminate in good.

ON the receipt of this noble and Imperial mandate, it may be known to you that, being desirous of rewarding the Servian nation, subject to my Empire, for the proofs of fidelity which they cease not giving to my Sublime Porte, and in accordance with my declared mercy and Imperial clemency towards them, I have promulgated, in the year 1246, an Imperial firman, by which I was pleased to grant them several privileges; such as its interior administration; the reunion of such districts which had formerly been detached from Servia; the payment of all taxes consolidated into one sum only; the administration of all the wealth of the Turks, who, with the exception of the garrisons of the fortresses, are on the point of quitting Servia in the space of twelve months, &c., &c. But as the accomplishment of several of these points was necessarily deferred till some circumstances, connected with both the advantage of the Turks and that of the Servians, could be brought to light, and which it was necessary to know beforehand; and as now every doubt on these points has been removed, and all difficulties overcome by an understanding of the means of execution; and as it is my supreme will that the privileges which I have granted to the said nation should be put into execution, and exercised according to the above-mentioned first firman, granted to them out of my Imperial mercy, and be now consolidated with your own knowledge, I order and decree as follows:—

That the districts detached from Servia, which were formerly in litigation, will pass, as well as the rest of the districts of Servia, under your administration, and their boundary will be determined according to the information given by the Commissioners sent on the spot for that purpose, and in accordance with the topographical maps made expressly for those districts, which are the following:—Kraina, including Klioute; Tzerna-Jeka, with Gourgouchevatz; Barvia and Sverlic; Alexinitza, with Rosnia and Paroquina; Kruchevatz, known as Allaja-Hissar; a part of the Stari-Vla, (Old Wallachia,) with part of the district of Novi-Pavar, known by the name of Berveme; and the districts of Drina, formed of Jadra and Radgevena. In order, therefore, that the said districts may regularly pass under the Servian administration, the requisite firmans have been issued and sent to our Viziers, Hossein Pasha of Vidin, and to Veli Pasha of Belgrade; and it was ordered by these firmans that Commissioners shall be appointed by you, as well as by Hossein Pasha, to go

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on the spot to make a correct survey; and in order that this affair may be brought to a suitable conclusion, the officers and authorities of those places have been directed to join the said Commissioners, and to assist and help them as much as may be necessary for the purpose of finally determining the boundary limits of those districts; and that a copy of those topographical maps, which have been already sent to our said Viziers, may be delivered into the hands of the said Commissioners and Surveyors.

In the above-mentioned my last Imperial firman, a period of twelve months was granted to the Turks living in the small towns about the fortresses, (the city of Belgrade excepted,) to sell with advantage their estates and to quit Servia; but as that term appears now insufficient for this purpose, and with the view of altering it and of enforcing it into a law, we have authorized the said Turks to stay five years longer in Servia, dating the term from the day of the issuing and promulgating the present firman. During this period of five years they will be under the domination of the respective Viziers of those places, and they shall be governed by the Turkish Authorities elected among themselves.

The victuals and provisions necessary for the Turks, to whom the term of five years has been granted, and for those in the garrisons, which are to continue remaining for ever, shall be furnished by the Servians, and be paid for (by the Turks) in ready money, without any violence or vexation.

The said Turkish Authorities shall not interfere in any way whatever with the affairs of the Servians, and they are to live with them on the best friendly terms.

The Turks who may be desirous of leaving the country before the said term of five years, shall receive every kind of assistance to sell their property to the best advantage, and every facility for the conveyance of their families. But at the expiration of the said term, the Turks who inhabit small towns, shall be obliged to quit them, and settle themselves elsewhere; those who live in the suburbs at the fortresses, (Belgrade excepted,) shall be obliged to enter and reside in those fortresses with their families, or to go elsewhere; so that no Turk for the future, on no account whatever, shall be allowed to settle in Servia.

The Servians, however, shall be obliged to pay, punctually, and at a reasonable price, for the lands or properties bought of the Turks before their departure from the country.

As the Turks living in the city of Belgrade are not only destined to the garrison of the fortresses, but also carry on, besides, an advantageous commerce with the Servians; and as both these nations are equally subject to my empire, I have decreed that, in order to enable these Turks to live in a suitable and comfortable manner, they should continue to inhabit the city of Belgrade, and to be under the controul of its Governor, my Vizier Veli Pasha; and that for the security of general tranquillity, the Servians also shall be allowed to live and dwell in the said city of Belgrade as usual; and that you Prince, and other Servian officers, shall be at liberty to enter it and go out of it without being hindered or prevented by anybody whomsoever.

The Turks, as well as the Servians, by paying the established duties of the custom-house, will enjoy at Belgrade the liberty of commerce; the administration of the custom-house will be intrusted to the Servians.

No one shall be allowed to carry arms in the city of Belgrade except the soldiers under the command of the said Pasha, the garrison, the Servian officers, and the police officers.

The Turks will not be permitted to erect houses or any other kind of buildings out of the city of Belgrade.

The Turks shall be obliged to submit to the regulations of police, which the Turkish Governor of Belgrade and you, Prince, shall think proper to establish.

Neither you, nor the Servian nation, shall ever act in any manner whatever contrary to the duties of faithful subjects, nor contrary to the submission which you owe to my Sublime Porte.

The aforesaid Governor of Belgrade and yourself, will always consult together for all that concerns the administration and police of the city.

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The permission granted to the subjects of foreign Powers to carry on commerce and to dwell in the city of Belgrade, is also one of the points upon which the Governor of Belgrade and yourself must understand each other, and act together, so that the said strangers may enjoy the requisite protection and assistance which they are entitled to, according to the Treaties concluded between my Sublime Porte and those friendly Powers.

Those who wish, of their own accord, to sell to the Servians or to other Turks, the properties which they possess in the city of Belgrade, may do so without being prevented or opposed.

But the alien subjects shall not possess landed estates either in the city of Belgrade or in any other part of the country.

There shall be no prohibition to the Turks or the Servians from selling to each other, willingly, their respective estates or properties.

Considering the effective amount of taxes which the Servians used annually to pay into my imperial treasury till now, according to the orders contained in the above imperial firman; and considering also, that the giving up to them the interior administration of the country, must cause an increase of their expenses, we have, for these considerations, decreed that the annual tribute should be definitively consolidated for the future into the sum of 2,300,000 piastres; in this sum are included the custom-house duties, which are to be placed under your direction, the revenues of Zaimats [privileged military fiefs], and the Mookatas [farming of the Crown lands], the administration of which will be entrusted to the Servians; and also the Kharadgiat [capitation taxes], as well as all other sorts of contributions in general, which hitherto have been paid either in ready money or in goods. But this consolidated tribute shall be hereafter paid in two equal instalments, every six months, at Belgrade, commencing from the day of St. Dimitrius of the present year (26th of October, old style). The Servians shall have the management of all the revenues of their country, and the produce of their lands.

With the exception of the Imperial fortresses which anciently existed in Servia, all those that have been erected since, such as that of Kupri Palanka, and others, shall be demolished.

As the articles of the present firman form the execution and accomplishment of the former ones, whose provisions are hereby confirmed, my authorized Ministers, and those of the Russian Embassy, have agreed accordingly.

And it being my sovereign will and pleasure that the articles consolidated in the present firman should take effect, and be put into execution, in the manner above prescribed, I have, for that purpose, issued and promulgated this noble mandate; I have also sent another for the same purpose to the Pasha of Belgrade, in order that he may unite with you upon the execution of the said articles; and an Imperial firman has been likewise forwarded to the Pasha of Vidin, concerning the exact limitation of the boundaries of the districts before mentioned, with the necessary instructions as to the other provisions of this present firman, which has been issued to you expressly for your own information and guidance, according to the actual state of affairs.

Thus my sovereign will and pleasure is, that you will unite and agree with the above-named two Pashas, as to the putting regularly into execution the orders herein contained. And as a proof of gratitude for the benefits which I have bestowed upon the Servian nation, you will do all in your power to render your conduct, in all respects, agreeable and pleasing to my Imperial wishes; and you will also take great care not to oppress, in any case whatever, my subjects who are intrusted to your government; you will likewise endeavour to draw towards my Imperial person and towards yourself, their love and their blessings; and I hope that for the future you will behave so as to deserve well of my Sublime Porte, and my Imperial favour, and that you will act in conformity with the duties of a faithful subject without deviation or abuse.

Issued from our Imperial Divan, the beginning of Rejib, 1249, A.H. (About the end of December, 1833.)

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No. 8.

Firman from the Sultan issued in the month of Shewal, 1254, *A.H. about the* 24*th of December,* 1838.—(*Received from the British Embassy at Constantinople.*)

(Traduction.) *Décembre,* 1838.

Réglement en forme de firman, octroyé par Sa Hautesse aux habitans de la Province de Servie.

A mon Vizir Mouhliss Pacha (puisse-t-il être glorifié), et au Prince de la nation Servienne, (Milosch Obrénovitch,) la fin puisse être heureuse.

EN vertu des privilèges et immunités accordés aux habitans de ma Province de Servie, à cause de leur fidélité et de leur dévouement, et d'après la teneur de plusieurs Hatti-Chérifs émanés précédemment et à différentes dates de ma part, il est devenu nécessaire d'octroyer à la dite province une administration intérieure et un réglement national fixe, spécial et privilégié, à condition que les Serviens s'acquittent ponctuellement à l'avenir des devoirs de la fidélité et de l'obéissance, et payent exactement aux termes prescrits, à ma Sublime Porte, l'impôt dont le prélèvement a été fixé et arrêté.

Conformément donc au réglement organique que je viens d'octroyer à la nation Servienne, la dignité de Prince est conférée à ta personne, et à ta famille en récompense de ta fidélité et de ton dévouement, et d'après le contenu du bérat Impérial que tu avais reçu précédemment.

L'administration intérieure du pays est confiée à tes soins fidèles, et 4,000 bourses de revenu annuel te sont assignées pour tes propres dépenses. Je te charge en même temps de la nomination des différens employés de la province, de l'exécution des réglemens et des lois établis, du commandement en chef des troupes de garnison nécessaires pour la police et pour préserver le bon ordre et la tranquillité du pays de toute infraction, du soin de prélever et de percevoir les charges et les impositions publiques, de donner à tous les employés et fonctionnaires de la province les ordres et les instructions réglementaires qui seraient nécessaires, de procéder à l'application des peines auxquelles auront été condamnés les coupables d'après les réglemens, et te donne le droit de pardonner avec les restrictions convenables, ou bien de modifier les peines.

Ces pouvoirs t'étant confiés, tu auras par conséquent le droit absolu, pour la bonne administration du pays et des habitans, dont les devoirs te sont imposés, de choisir, nommer et employer trois personnes, qui, placées sous tes ordres, formeront l'administration centrale de la province, et s'occuperont, l'une des affaires de l'intérieur, l'autre des finances, et la troisième des affaires litigieuses du pays.

Tu te formeras une Chancellerie particulière qui sera sous la direction de ton Lieutenant, le Pristavnik, que tu chargeras de délivrer les passeports et de diriger les relations existantes entre les Serviens et les autorités étrangères.

Il sera formé et organisé un Conseil composé des Primats et des plus considérés d'entre les Serviens.

Le nombre des membres de ce Conseil sera de dix-sept, parmi lesquels l'un sera le Président. Tout individu qui n'est pas Servien de naissance, ou qui n'aura pas reçu la qualité de Servien d'après les réglemens, qui n'aura pas atteint l'âge de 35 ans, ou qui ne possède pas des biens immeubles, ne pourra faire partie du Conseil national, ni être compté au nombre de ses membres.

Le Président du Conseil, ainsi que les membres, seront choisis par toi, à condition qu'ils soient absolument connus parmi leurs concitoyens, par leur capacité et leur qualité d'honnête homme, pour avoir rendu quelques services à leur pays, et pour avoir mérité l'approbation générale. Après le choix des membres du Conseil et leur nomination, et avant leur entrée en fonctions, chacun d'eux et tous, à commencer par toi, prêteront serment en présence du Métropolitain, comme quoi ils s'engagent à ne rien

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faire de contraire aux intérêts de la nation, aux devoirs qui leur sont imposés par leurs fonctions, à ceux de leur conscience, ni de ma volonté Impériale ; l'unique tâche du Conseil sera de discuter les intérêts publics de la nation, et de te prêter ses services et son assistance.

Aucun réglement ne pourra être adopté, aucune nouvelle imposition ne pourra être prélevée sans qu'elle n'ait été d'abord et au préalable adoptée et approuvée par le Conseil. Les appointemens des membres du Conseil seront fixés par toi d'un commun accord et d'une manière convenable ; et après que leurs réunions auront été établies dans le local de l'administration centrale de la principauté, le cercle de leur activité sera restreint et borné aux matières suivantes.

Discuter et décider les questions et les points concernant les institutions et les lois du pays, la justice, les impôts et autres contributions.

Fixer les appointemens et les rétributions de tous les employés du pays, comme aussi créer de nouveaux emplois si le besoin s'en fait sentir.

Evaluer les dépenses annuellement nécessaires pour l'administration du pays, et délibérer sur les moyens les plus convenables et les plus adaptés d'imposer et de percevoir les contributions avec lesquelles on fera face à ses dépenses.

Et enfin, délibérer sur la confection d'une loi qui spécifie le nombre, la paie, et la manière de servir des troupes de garnison du pays chargées d'y maintenir le bon ordre et la tranquillité.

Le Conseil aura le droit de faire rédiger le projet de telle loi qui lui semblera utile, et de le faire présenter après que le Président et le Secrétaire du Conseil y auront apposé leur signature, à condition cependant que cette loi ne porte nullement atteinte aux droits légaux du Gouvernement de ma Sublime Porte, qui est le maître du pays. Dans les questions qui seront débattues dans le Conseil, sera adoptée la décision qui aura eu pour elle la majorité des voix.

Le Conseil aura le droit de demander chaque année, dans le courant de Mars et d'Avril, aux trois directeurs susmentionnés, le résumé de leurs travaux dans le courant de l'année, et de reviser leurs comptes.

Les trois hauts fonctionnaires directeurs des affaires intérieures, des finances et de la justice, ainsi que le directeur de la chancellerie, aussi longtemps qu'ils servent leurs fonctions, feront partie du Conseil après avoir prêté serment. Les dix-sept membres du Conseil ne pourront être destitués sans motif, à moins qu'il ne soit constaté auprès de ma Sublime Porte qu'ils se sont rendus coupables de quelque délit ou d'infraction aux lois et réglemens du pays.

Il sera choisi et nommé parmi les Serviens un Kapou Kiaya, qui doit résider en permanence auprès de ma Sublime Porte et gérer les affaires de la nation Servienne, conformément à mes intentions souveraines et aux institutions et immunités nationales de la Servie.

Attributions des Trois Fonctionnaires désignés plus haut.

Les affaires de la police, de la quarantaine, la transmission des ordres du Prince aux autorités des districts du pays, la direction des établissemens d'utilité publique et des postes, l'entretien des grandes routes et l'exécution des réglemens concernant les troupes de garnison du pays, seront toutes du ressort du fonctionnaire chargé des affaires de l'intérieur.

Celui chargé de l'administration des finances aura à reviser les comptes, à faire prospérer le commerce, à garder et à administrer les revenus publics dont le chiffre sera fixé par les lois du pays, à faire mettre en exécution les lois établies à l'égard du commerce et des affaires financières, à solder les dépenses du pays d'après les comptes rédigés par les autres fonctionnaires. Il prendra soin de faire dresser le cadastre des biens publics et privés, ainsi que des biens immeubles tant du pays que du Gouvernement, et de l'exploitation des mines et des forêts, comme aussi des autres affaires qui se rapportent à son bureau.

Le directeur chargé de l'administration de la justice ayant aussi dans ses attributions le Ministère de l'Instruction Publique et la propaga-

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tion des sciences, aura à vérifier et à surveiller, si les jugemens qui auront eu lieu ont été exécutés ou non, à entendre et à rédiger les plaintes qui seront portées contre les juges, à vérifier la qualité de ceux qui sont appelés à rendre la justice, et à se faire présenter par eux tous les trois mois le compte-rendu de tous les procès qui auront été jugés durant cette espace de temps ; à s'intéresser à l'état et au sort des prisons et à l'améliorer. Il s'occupera aussi à former les mœurs publics par l'établissement de nouvelles écoles, et à encourager l'enseignement des connaissances nécessaires. Il aura l'inspection des hôpitaux, et autres établissemens d'utilité publique, et se mettra en correspondance avec les administrateurs des églises pour régler tout ce qui a rapport à la religion, au culte, et aux églises.

Tout individu qui n'est pas né Servien ou qui n'aurait pas reçu nationalement, d'après les lois fondamentales du pays, la qualité de Servien, ne peut occuper l'un des trois postes ci-dessus désignés.

Ces trois directeurs seront indépendans l'un de l'autre dans l'exercice de leurs fonctions respectives sans que l'un soit soumis à l'autre, et ils auront chacun leur bureau à part.

Le département de chacun d'eux sera divisé en plusieurs bureaux et sections, et tout papier officiel émanant de chacun d'eux pour affaire d'état devra être muni de leur signature respective : et, outre cela, toute affaire qui serait du ressort des bureaux de leur dépendance respective, ne pourra recevoir son exécution sans avoir été préalablement contresignée par le chef du bureau, et également, aucun ordre, aucune affaire ne pourra recevoir d'exécution sans avoir été d'abord inscribé et enregistré dans les livres de ce même bureau dont ils ressortissent.

Les trois directeurs devront, les mois de Mars et d'Avril de chaque année, faire l'extrait de toutes les affaires qui se sont gérées dans leurs propres bureaux et dans ceux qui leur sont subordonnés, avec un exposé raisonné, et le présenter muni de leurs sceaux et de leurs signatures, ainsi que de celles des chefs de bureau, à l'examen du conseil de la province.

Composition des Tribunaux pour les Affaires Litigieuses.

Ma volonté expresse est que les habitans de la Servie, sujets de ma Sublime Porte, soient protégés dans leurs biens, leurs personnes, leur honneur et leur dignité, et cette même volonté Impériale s'oppose à ce qu'un individu quelconque soit sans jugement privé de ses droits de cité et de la bourgeoisie, ou exposé à une vexation ou punition quelconque ; c'est pourquoi il a été jugé conforme aux lois des nécessités sociales et aux principes de la justice, d'établir dans le pays plusieurs espèces de tribunaux, afin de punir les coupables, ou de rendre justice à chaque individu public ou particulier, conformément aux réglemens, et après que le bon droit et la justification, ou au contraire la faute et la culpabilité de chacun, aura été constaté par un jugement.

En conséquence, aucun Servien ne pourra être passible du Talion ou de toute autre peine corporelle ou pécuniaire, c'est-à-dire amende, avant que, conformément aux termes de la loi, il n'ait été jugé et condamné par devant un tribunal. Ce sont les tribunaux établis qui auront à connaître conformément à la loi des affaires litigieuses, des contestations commerciales, et à examiner et juger définitivement les crimes et les délits ; et dans aucun cas on ne pourra appliquer la peine de la confiscation des biens.

Les enfans et les prochains du coupable ne seront pas responsables de la faute de leurs pères, ni punis pour eux. Trois tribunaux sont institués pour rendre la justice en Servie.

Le premier sera établi dans les villages, composé des vieillards de l'endroit, et appelé Tribunal de Paix.

Le second sera le Tribunal de Première Instance établi dans chacun des dix-sept districts dont se compose la Servie.

Le troisième sera le Tribunal d'Appel dans le chef-lieu du Gouvernement.

Le Tribunal de Paix de chaque village se composera d'un Président et de deux adjoints élus par les habitans de l'endroit, et chacun de ces

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tribunaux de village ne pourra connaître d'une affaire de plus de cent piastres. Ils ne pourront non plus infliger des peines qui surpassent un imprisonnement de trois jours et dix coups de bâton. Les causes ne pourront y être plaidées et jugées que sommairement et de vive voix.

Il n'y aura que les jugemens des deux autres tribunaux qui seront couchés par écrit. Le tribunal de village devra renvoyer pardevant le tribunal du district dont il fait partie, un procès de plus de cent piastres, et le jugement d'un crime qui entraîne un châtiment de plus de dix coups de bâton, ainsi que le plaignant et le défenseur.

Le tribunal de district qui doit connaître en première instance d'une cause, sera composé d'un président, de trois membres, et d'un nombre suffisant de greffiers. Le président et les adjoints du Tribunal de Première Instance qui n'auront pas atteint l'âge de trente ans, n'auront pas le droit d'y être nommés. Ce tribunal aura le droit d'examiner et de juger tant des procès litigieux, que des crimes, des délits, et des contestations commerciales.

Il sera accordé un délai de huit jours à tout individu qui, ayant perdu son procès au Tribunal de Première Instance de son district, voudrait en appeler au Tribunal d'Appel. Et si, dans l'espace de huit jours, le dit individu condamné ne se sera pas hâté d'en appeler au Tribunal d'Appel, la sentence du tribunal du district sera valide et exécutoire. Le Tribunal d'Appel ne connaîtra exclusivement que de la révision et du jugement des causes et des différends qui auront déjà été portés au Tribunal de Première Instance; et tant le président du Tribunal d'Appel que les quatre membres qui lui sont adjoints, doivent absolument être âgés de trente-cinq ans.

Les membres des tribunaux Serviens doivent être nés Serviens ou naturalisés tels, conformément aux réglemens. Quant aux procès qui sont portés d'un tribunal à l'autre, le président de chaque tribunal doit remettre entre les mains du demandeur et du défenseur un résumé du jugement, muni de sa signature et de son sceau.

Les membres des Tribunaux de Paix de village ne pourront être membres des deux autres tribunaux. Si l'un des membres de ces deux tribunaux vient à mourir, son successeur devra être choisi parmi des hommes de loi qui auront eu des fonctions dans les tribunaux, et parmi ceux-ci le plus ancien par son âge ou par ses services, sera nommé à son tour.

Aucun membre du tribunal ne peut être destitué sous la prévention de s'être écarté de ses devoirs avant que la chose ne soit prouvée en justice d'après les réglemens. Lorsque des employés ayant un grade militaire ou civil, ou des prêtres, après que leur faute aura été solennellement prouvée à la suite d'un jugement d'après les réglemens, auront été condamnés à être punis, comme l'on ne peut pas infliger à ces individus des peines corporelles, on les punira, soit en les réprimandant fortement, soit en les mettant en prison, soit en les dégradant, soit enfin en les reléguant dans un autre endroit. Aucun des employés de la principauté, civils ou militaires, grands ou petits, ne peut s'immiscer dans les affaires des trois tribunaux susmentionnés, mais ils pourront seulement être appelés à exécuter leurs sentences.

Le commerce étant libre en Servie, tout Servien peut l'exercer librement, et l'on ne permettra jamais la moindre restriction à cette liberté, à moins cependant que le Prince, de concert avec le conseil du pays, n'en juge urgente la restriction temporaire pour un article quelconque.

Tout Servien, en se conformant aux lois de l'Etat, est maître absolu de vendre ses propres biens et propriétés, d'en disposer à volonté, et de les léguer par testament. Il ne peut être privé de ce droit que par une sentence légale d'un des tribunaux établis dans le pays.

Tout Servien qui aura un procès, doit s'adresser au tribunal du district qu'il habite; il ne peut être cité que pardevant le tribunal du district dans lequel il a sa résidence.

Toute corvée est abolie en Servie, et on ne pourra imposer de corvée à aucun Servien.

Les dépenses qu'occasionnent l'entretien et l'arrangement des ponts et des routes seront réparties entre les communautés des villages qui sont dans les environs.

De même que l'administration centrale de la principauté est chargée de la direction et de la surveillance des grandes routes où passent les

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postes, des ponts et d'autres édifices d'utilité publique, les particuliers aussi doivent savoir qu'il est nécessaire d'y mettre leur zèle et leur attention de leur côté.

Tu fixeras de concert avec le conseil, et équitablement, une paye journalière aux pauvres gens qui s'occupent de ces travaux ; de même que tu t'entendras avec les membres du conseil pour allouer des appointemens annuels fixes à tous ceux qui sont employés aux différens services de la principauté du pays.

Tout employé qui voudra sur une raison légale se retirer après quelques années de service, pourra le faire ; on lui assignera après sa retraite la pension convenable qu'il aura méritée.

Tout emploi, soit civil, soit militaire, soit judiciaire, sera conféré en Servie par une ordonnance du Prince, à condition que chaque employé commencera d'abord par des grades inférieurs, et sera, progressivement et après l'avoir éprouvé, élevé aux grades et aux emplois supérieurs.

Les hommes de loi chargés des emplois judiciaires ne pourront jamais changer de service et s'occuper des places ailleurs que dans les tribunaux et s'occupant exclusivement de se perfectionner dans la partie judiciaire. Aucun employé civil ou militaire ne pourra, fût-ce même temporairement, être employé aux tribunaux.

Les Serviens Rayas, tributaires de la Sublime Porte, étant du nombre des Chrétiens de la religion Grecque, autrement dite Eglise de l'Orient, j'accorde à la nation Servienne pleine liberté d'exercer les pratiques usitées de sa religion, et d'élire parmi eux, avec ton concours et ta surveillance, leurs métropolitains et leurs évêques, à condition qu'ils soient soumis au pouvoir spirituel du Patriarche résidant à Constantinople considéré comme le chef de cette religion et de son synode. Et comme en vertu des privilèges et des immunités accordés, *ab antiquo*, aux Chrétiens habitans de l'Empire Ottoman depuis la conquête, l'administration des affaires de la religion et de l'église, en tant qu'elle ne porte pas atteinte aux affaires politiques, doit appartenir d'une manière absolue aux chefs du clergé, ainsi que l'allocation de la part de la nation des rétributions tant à leurs métropolitains, à leurs évêques, à leurs igouménés, et à leurs prêtres, qu'aux établissemens pieux appartenant à l'église : la même règle doit être observée à l'égard des rétributions et des dignités des métropolitains et évêques qui se trouvent en Servie. Il sera désigné en Servie des endroits pour la réunion du conseil spécial des métropolitains et des évêques, à l'effet de régler les affaires de la religion, celles des métropolitains et des évêques, ainsi que des prêtres, et celles concernant les églises du pays.

Les sipahiliks, les timars, et les ziamets, ayant été abolis en Servie, cet ancien usage ne pourra jamais y être introduit à l'avenir. Tout Servien, grand ou petit, est soumis au paiement de l'impôt et des contributions. Les Serviens d'un certain rang employés aux affaires et aux emplois du pays payeront leur quote-part en proportion des biens et des terres qu'ils possèdent, le clergé seul sera exempté de l'impôt. La Servie étant composée de dix-sept districts, et chaque district renfermant plusieurs cantons, qui, à leur tour, sont composées de plusieurs villages et communautés, chaque chef de district aura un adjoint, un écrivain, un trésorier et d'autres employés qui seraient nécessaires. Les chefs des districts s'occuperont de l'exécution des ordres qui leur viendront de la part du gouvernement central de la principauté relatifs à toutes les affaires de l'administration intérieure qui se rattachent à leurs fonctions ; ils se borneront à imposer et à prélever les contributions d'après les registres qu'ils recevront de la Direction des Finances, et ils ne se mêleront pas des démêlés que peut faire naître dans leurs districts le prélèvement des impositions, mais ils se contenteront de renvoyer au tribunal du district les différends et les procès survenus, en se réservant seulement d'exécuter la sentence du tribunal.

Le chef d'un canton employera ses efforts à préserver de toute atteinte les biens et les terres des villages, et à protéger le peuple contre les malveillans et des gens sans aveu et sans mœurs. Il doit visiter les passeports de tous les individus qui arrivent dans son canton, ou qui s'en vont ; il ne peut garder un homme en prison au-delà de vingt-quatre heures ; mais il renverra au tribunal du district les différends et les procès qui

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pourraient surgir dans son canton et s'adressera au maître de police du district, si les différends sont des affaires de police. Il doit en outre surveiller les Tribunaux de Paix des villages, et se garder bien de s'ingérer dans les affaires des églises et des écoles de village, ni toucher aux revenus et terres qui dépendent d'autres établissemens pieux. Pour les biensfonds et propriétés assignées aux églises, aux bourgades, aux habitans, et à des établissemens d'utilité publique, ainsi que pour ceux appartenant en propriété, aux particuliers, il sera délivré à chacun à part des documens constatant le droit de propriété, et qui seront en outre enregistrés aux bureaux du pays.

Aucun Servien en général, et sans exception, ne pourra être persécuté ni molesté secrètement ou ouvertement avant d'avoir été cité et jugé pardevant les tribunaux.

Ma volonté Impériale ayant fixé et établi les réglemens ci-dessus mentionnés, ce firman Impérial a été rédigé expressément pour te les communiquer et t'a été envoyé orné de mon illustre Hat Impérial. Je t'ordonne donc de veiller à la sûreté de cette province Impériale, tant intérieurement qu'extérieurement, n'en ayant confié le commandement à toi et à ta famille qu'à la condition expresse d'obéir et de te soumettre aux ordres émanant de ma part, d'assurer la prospérité, d'employer tes efforts à aviser aux mesures d'assurer à tous les habitans le repos et la tranquillité, de respecter l'état, l'honneur, le rang, et les services de chacun, et de veiller surtout à ce que les clauses et conditions réglementaires ci-dessus énoncées reçoivent leur exécution en entier et pour toujours, en mettant ainsi tout ton zèle à attirer sur ma personne Impériale les prières et les bénédictions de toutes les classes des habitans du pays et à confirmer et justifier de cette manière ma confiance et ma bienveillance souveraines à ton égard.

De la même manière, j'ordonne à tous les Serviens en général de se soumettre aux ordres du Prince, en se conformant aux réglemens et aux institutions du pays, et de se conformer soigneusement aux convenances nécessaires. J'ordonne que ce Hatti-Chérif Impérial soit publié, afin que la nation en prenne connaissance; que chacun pénétré de plus en plus de reconnaissance pour ces concessions et bienfaits accordés par ma munificence souveraine à tous également, se conduise en toute circonstance de manière à mériter mon approbation, et que les clauses du présent réglement soient exécutés mot à mot et pour toujours, sans qu'on puisse en aucun tems y contrevenir.

Et toi, aussi, mon Vizir, tu l'auras pour entendu, et réuniras tes efforts à ceux du Prince pour l'exacte et stricte exécution des clauses de ce présent firman Impérial.

(Translation.)

December, 1838.

Statute in the shape of a Firman, granted by His Highness to the inhabitants of the Province of Servia.

To my Vizier Mouhliss Pasha (may he be glorified), and to the Prince of the Servian nation (Milosch Obrenovitz), may his end be happy.

IN virtue of the privileges and immunities granted to the inhabitants of my Province of Servia on account of their fidelity and of their devotion, and in conformity with the tenour of several Hatti-Sheriffs issued previously and at different dates on my part, it has become necessary to grant to the said province an internal administration, and a stable, special, and privileged national statute, on condition that the Servians punctually discharge for the future the duties of fidelity and obedience and pay exactly at the appointed periods to my Sublime Porte the tax, whereof the exaction has been fixed and determined upon.

In conformity then with the organic statute which I have just granted to the Servian nation, the dignity of Prince is conferred upon thee and upon thy family in recompense of thy fidelity and of thy devo-

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tion, and agreeably to the contents of the Imperial berat which thou hadst previously received.

The internal administration of the province is entrusted to thy faithful care, and 4,000 purses of annual revenue are assigned unto thee for thine own disbursements. I confide unto thee, at the same time, the appointment of the different officers of the province, the execution of the established regulations and laws, the chief command of the garrisons necessary for the police and for preserving from all infraction the good order and tranquillity of the country, the duty of levying and receiving the public taxes and imposts, of giving to all the officers and functionaries of the province the orders and directions for their conduct which may be requisite, of inflicting the punishments to which the guilty shall have been condemned according to the regulations, and I grant unto thee the right of pardoning, under suitable limitations, or at least of modifying the punishments.

These powers being entrusted unto thee, thou wilt consequently possess the absolute right, for the good administration of the country and of the inhabitants, whereof the duties are imposed upon thee, to select, nominate, and employ three persons, who, placed under thy orders, shall form the central administration of the province, and shall occupy themselves, one with the affairs of the interior, another with the finances, and the third with the legal affairs of the country.

Thou shalt constitute a private chancery, which shall be under the direction of thy Lieutenant, the Pristavnik, whom thou shalt charge with the delivery of passports and with the direction of the relations subsisting between the Servians and the foreign authorities.

There shall be formed and organized a Council composed of the Primates and of the persons of the greatest consideration among the Servians.

The number of the members of this Council shall be seventeen, one of whom shall be the President. No person who is not a Servian by birth, or who shall not have received the character of a Servian in conformity with the statutes, who shall not have attained the age of thirty-five years, or who is not in possession of real property, can form part of the national Council, nor be reckoned among the number of its members.

The President of the Council, as well as the members, shall be selected by thee, on condition that they be perfectly well known among their fellow-citizens, by their capacity and their character for rectitude, for having rendered some services to their country, and for having merited general approbation. After the selection of the members of the Council and their nomination, and previously to their entrance into office, each and all of them, beginning with thyself, shall swear in the presence of the Metropolitan that they undertake to do nothing contrary to the interest of the nation, to the obligations which their offices impose upon them, to those of their conscience, or to my Imperial will; the sole duty of the Council will be to discuss the public interests of the nation, and to afford unto thee its services and its aid.

No statute shall be adopted, no new tax levied without its having been in the first instance and previously adopted and approved by the Council. The allowances of the members of the Council shall be fixed by thee, by common consent and in a suitable manner, and when they shall have met together in the place where the central administration of the principality is fixed, the circle of their activity shall be confined and limited to the following matters.

To discuss and decide upon questions and matters concerning the institutions and laws of the country, justice, taxes, and other contributions.

To fix the allowances and emoluments of all the servants of the country, as likewise to create new offices if there should be occasion for them.

To estimate the expense annually requisite for the administration of the country, and to deliberate upon the means most suitable and best adapted for imposing and levying the contributions by which the expenditure is to be met.

And, finally, to deliberate upon the compilation of a law which shall

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specify the number, the pay, and the service of the national troops entrusted with the maintenance of good order and tranquillity in the country.

The Council shall have the right of drawing up the draft of any law which shall appear to it to be beneficial, and of submitting it after the President and Secretary of the Council shall have affixed their signature thereto; on condition, nevertheless, that such law in no way affects the legal rights of the Government of my Sublime Porte, which is master of the country. In the questions debated in the Council, the decision which shall have had in its favour the majority of voices, shall be adopted.

The Council shall have the right to demand every year, in the course of March and April, from the three directors above mentioned, a summary of their proceedings during the course of the year, and to examine their accounts.

The three high functionaries, directors of internal affairs, of the finances, and of justice, as likewise the director of the chancery, so long as they exercise their functions, shall form part of the Council, after having taken the oath. The seventeen members of the Council cannot be dismissed without cause, unless it shall be made evident to my Sublime Porte that they have been guilty of some offence or infraction of the laws and statutes of the country.

There shall be chosen and nominated from among the Servians a Kapu Kiaja, who shall continue to reside at my Sublime Porte and carry on the affairs of the Servian nation, in conformity with my sovereign intentions, and with the national institutions and privileges of Servia.

Attributes of the three Functionaries designated above.

The affairs of the police, and of the quarantine, the transmission of the Prince's orders to the authorities of the districts of the country, the direction of the establishments of public utility and of the post, the repair of the high roads, and the execution of the regulations respecting the troops of the country, shall all be within the province of the officer charged with the affairs of the Interior.

The officer charged with the administration of Finance will have to revise the accounts, to make commerce prosper, to look after and manage the public revenue, the amount of which shall be fixed by the laws of the country, to cause the laws with regard to commerce and financial affairs to be carried into effect, to settle the expenses of the country according to the accounts drawn up by the other officers. He will take care to keep the register of the public and private property, as well as of the real estates both of the country and of the Government, and of the management of the mines and of the forests, as also of the other affairs which relate to his department.

The director charged with the administration of Justice having also within his province the Department of Public Instruction and the diffusion of science, will have to examine and watch whether the sentences which have been passed have been executed or not, to hear and write down the complaints which may be made against the judges, to examine the qualification of those who are called upon to administer justice, and to cause them to deliver to him every three months the return of all the causes which have been decided during that period; to interest himself in the state and in the condition of the prisons, and to improve them. He will also occupy himself in forming the public character by the establishment of new schools and in encouraging instruction in necessary knowledge. He will have to inspect the hospitals and other establishments of public utility, and will put himself in correspondence with the administrators of the churches for the purpose of regulating all that relates to religion, to worship, and to the churches.

No person who is not a Servian by birth, or who may not have been naturalized, according to the fundamental laws of the country, as a Servian, can hold any of the three situations above mentioned.

The three directors in question shall be independent of each other

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in the exercise of their respective functions, none being subject to the other, and each shall have his office apart from the others.

The department of each of them shall be divided into several offices and sections, and every official paper emanating from any one of them on State business must be signed by each respectively; and, moreover, any case which may come within the province of the departments belonging to them respectively, cannot be acted upon without having been previously countersigned by the head of the department, and, in like manner, no order and no case can be acted upon without having been previously entered and registered in the books of the office to which they belong.

The three directors must, in the months of March and April in each year, make an abstract of all the business which has been carried on in their own offices and in those which are subordinate to them, with a statement in detail, and present it, signed and sealed by them, as well as by the heads of departments, to be examined by the council of the province.

Composition of the Tribunals for Legal Matters.

It is my express will that the inhabitants of Servia, subjects of my Sublime Porte, shall be protected in their properties, their persons, their honour, and their dignity; and this same Imperial will is opposed to any individual whatever being deprived without trial, of his rights of citizenship, or exposed to any vexation or punishment whatsoever: wherefore it has been judged consistent with the laws of social wants and with the principles of justice, to establish in the country several kinds of courts, in order to punish the guilty or to do justice to every individual, public or private, in conformity with the statutes, and after the right and justification, or, on the contrary, the fault and the criminality, of each shall have been decided by a trial.

Accordingly, no Servian shall be exposed to the law of retaliation or to any other punishment, corporal or pecuniary, that is to say fine, before that, in conformity with the terms of the law, he shall have been tried and condemned before a court. The established courts shall take cognizance, according to law, of matters under litigation, of commercial disputes, and shall examine into and determine upon definitively crimes and offences; and in no case shall the punishment of confiscation of property be inflicted.

The children and kinsmen of the guilty shall not be responsible for the fault of their fathers, nor punished for them. Three Courts are instituted for the administration of justice in Servia.

The first shall be established in the villages, and composed of old men of the place, and called Court of Peace.

The second shall be the Court of First Instance, established in each of the seventeen districts of which Servia is composed.

The third shall be the Court of Appeal at the seat of Government.

The Court of Peace of each village shall be composed of a President and two Assessors, elected by the inhabitants of the place; and each of these village Courts shall not have cognizance of any matter above 100 piastres. Furthermore, they shall not inflict punishments exceeding an imprisonment of three days and ten blows. Causes can only be there pleaded and decided upon summarily and verbally. The sentences of the two other Courts alone shall be drawn up in writing. The village Court must send before the Court of the district of which it forms part, a suit of more than 100 piastres, and the trial of a charge which involves a punishment of more than ten blows, and likewise the plaintiff and the defendant.

The district Court, which is to take cognizance in the first instance of a case, shall be composed of a President, of three Members, and a sufficient number of Registers. The President and the Assessors of the Court of First Instance who shall not have attained to the age of thirty years, shall not be entitled to be thereunto appointed. This Court shall have the right of examining into, and determining upon, as well law-suits as crimes, offences, and commercial disputes.

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A delay of eight days shall be allowed to every person who, having lost his suit before the Court of First Instance of his district, may be desirous of appealing from it to the Court of Appeal. And if, within the space of eight days the said person who has lost his suit shall not have appealed to the Court of Appeal, the sentence of the district Court shall be valid and carried into effect. The Court of Appeal shall only have exclusive cognizance of the revision and decision of the causes and disputes which shall have already been brought before the Court of First Instance, and both the President of the Court of Appeal and also the four Members who shall be associated with him, must absolutely be thirty-five years old.

The members of the Servian Courts must be Servians by birth, or naturalized as such, in conformity with the statutes. As regards the suits which are carried from one Court to another, the President of each Court must deliver to the plaintiff and to the defendant an abstract of the sentence, under his hand and seal.

The members of the village Courts of Peace cannot be members of the two other Courts. If one of the members of these two Courts should die, his successor must be chosen from among the lawyers who shall have held offices in the Courts; and among these the senior in age or service shall be appointed in his turn.

No member of the Court shall be dismissed on the charge of having deviated from his duties before the matter shall be legally proved according to the statutes. When officers having military or civil rank, or priests, after their crime shall have been solemnly proved in consequence of a judgment according to the statutes, shall have been condemned to be punished, as corporal punishment cannot be inflicted on these persons, they shall be punished, either by severe reprimand, or by imprisonment, or by degradation, or, finally, by banishing them to another place. No officer of the principality, civil or military, high or low, shall take part in the business of the three Courts aforesaid, but they shall only be called upon to execute their sentences.

Commerce being free in Servia, every Servian may freely exercise it, and the slightest restriction upon that freedom shall never be allowed, unless the Prince, however, in concert with the Council of the country, should deem it a matter of urgency to impose a temporary restriction upon some article or other.

Every Servian, acting in conformity with the laws of the State, is at full liberty to sell his own goods and properties, to dispose thereof at pleasure, and to bequeath them by will. He cannot be deprived of this right except by a legal sentence of one of the Courts established in the country.

Every Servian who shall have a law-suit, must have recourse to the Court of the district which he inhabits; he can only be summoned before the Court of the district in which he resides.

All forced labour is abolished in Servia, and no forced labour shall be imposed upon any Servian.

The expense occasioned by the maintenance and keeping in order of the bridges and highways shall be apportioned among the municipalities of the villages in the neighbourhood.

In like manner as the central administration of the principality is entrusted with the direction and care of the main post-routes, of the bridges, and other buildings of public utility, individuals must also know that it is necessary on their part to direct their own zeal and attention to that object.

Thou shalt fix, in concert with the Council, and equitably, a daily payment for the poor who are employed on these works; in the same manner as thou shalt agree with the members of the Council to assign fixed annual salaries to all those who are employed in the different services of the principality of the country.

Any officer who for a legal cause shall be desirous of retiring after a certain number of years of service, shall be at liberty to do so; the suitable pension which he shall have deserved, shall be assigned to him after his retirement.

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Every employment, whether civil, military, or judicial, shall be conferred in Servia by an ordinance of the Prince, on condition that every officer shall in the first instance commence by the lower ranks, and shall be, progressively and after having been tried, promoted to the superior ranks and employments.

Lawyers entrusted with judicial offices shall never be at liberty to change the nature of their employment, and to occupy places other than those in the courts, and devoting themselves exclusively to their improvement in judicial matters. No civil or military officer shall be employed, even temporarily, in the courts.

The Servian Rayahs, tributary to the Sublime Porte, being Christians of the Greek religion, otherwise called the Church of the East, I grant to the Servian nation, full liberty to observe the usual forms of their religion, and to choose from amongst themselves, with thy concurrence and under thy superintendence, their archbishops and bishops, provided that they shall be subject to the spiritual power of the patriarch residing at Constantinople, considered as the head of the religion and of its synod. And as in virtue of the privileges and immunities granted, of old, to the Christians inhabitants of the Ottoman Empire since the conquest, the administration of the affairs of religion and of the church, as long as it does not interfere with political matters, should belong entirely to the heads of the clergy, as likewise the assignment on the part of the nation of the allowances to their metropolitans, bishops, igouménés, and priests, as well as to the religious establishments belonging to the church; the same rule shall be observed with regard to the allowances and preferment of the metropolitans and bishops in Servia. Places shall be appointed for the meeting of the special council of metropolitans and bishops for the purpose of regulating religious affairs, the affairs of the metropolitans and bishops, as well as those of the priests, and those relating to the churches of the country.

The sipahiliks, the timars, and the ziamets, having been abolished in Servia, this old custom shall never be introduced there for the future. Every Servian, great or small, is liable to the payment of taxes and contributions. The Servians of a certain rank employed in the business and in the offices of the country, shall pay their quota in proportion to the property and lands which they possess; the clergy alone shall be exempted from the payment of taxes. Servia being composed of seventeen districts, and each district comprising several cantons, which, again, are composed of several villages and municipalities, each head of a district shall have an assistant, a clerk, a treasurer, and other officers who may be required. The chiefs of districts shall occupy themselves with the execution of the orders which may reach them from the central Government of the principality relating to all the affairs of internal administration which belong to their functions; they will confine themselves to imposing and levying the contributions according to the registers which they will receive from the Finance Department; and they will not meddle with the disputes to which the levy of the taxes in their districts may give rise, but they will content themselves with referring to the district Court the disputes and law-suits which take place, reserving to themselves only the execution of the sentence of the Court.

The chief of a district shall employ his efforts for the preservation of the goods and lands of the villages from all injury, and for the protection of the people from evil-disposed persons, and from vagabonds, and from persons without character. He must inspect the passports of all persons arriving within his district, or departing from thence; he cannot keep a person in prison beyond twenty-four hours; but he will send to the district Court the differences and suits which may arise in his district, and apply to the head of the police of the district, if the differences are matters of police. He must, moreover, watch over the village Courts of Peace, and be careful not to meddle with the affairs of the churches and village schools, nor touch the revenues and lands which depend on other pious establishments. As regards the lands and properties assigned to the churches, boroughs, inhabitants, and establishments of public utility, as well as those belonging to individuals, there shall be delivered to each

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separately documents establishing the right of property, and these shall, moreover, be registered in the offices of the country.

Every Servian, in general, and without exception, shall be exempt from persecution or molestation, covert or open, before he has been cited and tried before the Courts.

My Imperial will having settled and established the aforesaid regulations, this Imperial firman has been drawn up expressly in order to communicate them unto thee, and has been sent unto thee decorated with my illustrious Imperial signature. I order thee, therefore, to watch over the security of that Imperial province, as well internally as externally, having entrusted the rule thereof to thee and to thy family only on the express condition of obedience and of submission to the orders proceeding from me, to ensure the prosperity thereof, to employ thy efforts to devise means for securing to all the inhabitants repose and tranquillity, to respect the position, the honour, the rank, and the services of each; and, above all, to take care that the clauses and statutory conditions above expressed are carried into execution wholly and for ever, thus applying all thy zeal to draw down upon my Imperial person the prayers and blessings of all classes of the inhabitants of the country, and in this manner to confirm and justify my sovereign confidence and benevolence towards thee.

In like manner, I enjoin all the Servians in general to submit themselves to the orders of the Prince, acting in accordance with the statutes and institutions of the country, and carefully to conform themselves to what is necessary and fitting. I command that this Imperial Hatti-Sheriff be published, in order that the nation may have cognizance thereof; that every one, impressed more and more with gratitude for these concessions and benefits granted by my sovereign munificence to all alike, shall conduct himself under all circumstances in such a manner as to merit my approbation, and that the clauses of the present statute be executed, word for word and for ever, without any infringement thereof at any time.

And thou likewise, my Vizier, thou shalt so understand it, and thou shalt join thy efforts to those of the Prince for the exact and strict execution of this present Imperial firman.

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CORRESPONDENCE

RELATIVE TO THE

PROCEEDINGS OF THE FRENCH

AT

TAHITI.

1825---1843.

Presented to the House of Commons, by the Queen's Command, in pursuance of their Address to Her Majesty, of the 18th of May, 1843.

LONDON:
PRINTED BY T. R. HARRISON.

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CORRESPONDENCE

RELATIVE TO

TAHITI.

No. 1.

Queen Pomare to King George the Fourth.

(Translation.)

O King George the Fourth, *Tahiti, Matavai, October* 5, 1825.

PEACE to you from Jehovah, and our Lord Jesus Christ. May your reign be still prosperous, and for ever. May it be agreeable to you, O King, to listen to this petition. We wish you to be our friend, and for you to protect us. Let not our land be molested by British subjects, now or at any future time; and should we be invaded by any others, do you then defend us. Should it be agreeable to you to grant this petition, we then wish to use the English flag. We are afraid on account of what we have heard from Port Jackson. If we hoist the British flag we are in fear, and if we hoist our own flag we are also in fear lest we should be invaded from some other country. Another petition also is, that you will never abandon us, but regard us with kindness for ever.

If agreeable to you, write us a letter that we may know our petition is granted by you, or even if it is otherwise.

Peace be to you, and to all your family.

(Signed) POMARE.

The above is an accurate translation of the original letter.

(Signed) HENRY NOTT.
WM. ELLIS.

No. 2.

Mr. Secretary Canning to Queen Pomare.

Foreign Office, March 3, 1827.

THE Missionary, Mr. Henry Nott, has delivered to me the letter which you addressed to the King my master, on the 5th of October, 1825, soliciting His Majesty's friendship and protection, and also requesting permission to use the British flag.

I have hastened to lay your letter before the King, and have received His Majesty's commands to acquaint you, that while His Majesty feels every disposition to comply with your wishes, as far as His Majesty can do so with propriety, he regrets that, consistently with the usages established among the nations of Europe, it would be improper to grant the permission you solicit to use the British flag.

His Majesty however commands me to say, that although the customs of Europe forbid his acceding to your wishes in this respect, he will

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be happy to afford to yourself and to your dominions all such protection as His Majesty can grant to a friendly Power at so remote a distance from his own kingdoms.

His Majesty has derived much pleasure from the various accounts which have reached this country of the beneficial change which has taken place in the moral and social state of the islands under your Government, and of the progressive advancement of your subjects in civilization, through the introduction of the Christian religion by means of the Missionaries sent out from Great Britain. His Majesty trusts that the benefits which have been thus, through the exertions of the Missionaries, derived from that religion, may be long continued to your dominions and people.

I have committed this letter to the charge of Mr. Nott, who is about to return to Tahiti. He will present it to you, and will assure you more fully of the friendly dispositions entertained towards you by the King my master.

In conclusion I recommend you to the protection of the Almighty.

Your faithful friend,

(Signed) GEORGE CANNING.

No. 3.

Mr. Consul Pritchard to Viscount Palmerston.—(Received June 16, 1837.)

(Extract.) *Tahiti, November* 19, 1836.

I AM requested by Her Majesty Queen Pomare, to address a few lines to your Lordship.

Her Majesty is anxious to know whether the British, or any other Government, can compel Her Majesty to receive any body of foreigners that may be disposed to settle in her dominions. Tahiti (Otaheite) is acknowledged by the British Government as an independent nation, hence she hoists her own flag. If she be considered as an independent nation, has she not power to enact laws for her own government, so long as those do not interfere with, nor are contrary to, the laws of nations? One of the Tahitian laws is as follows:—"That no master or commander of a vessel shall land any passenger without the special permission of the Government." At present there are several Frenchmen, who are determined to land and reside on this island as Roman Catholic missionaries.

No. 4.

Queen Pomare to Viscount Palmerston.

(Translation.)

(Extract.) *Tahiti, November* 18, 1836.

I WRITE these few lines to you to inquire of you the opinion of the British Government respecting me.

The Roman Catholic missionaries are obstinately bent on coming to reside at Tahiti, saying that they are sanctioned in the step by the British Government. Is this true? Are they really sanctioned by the British Government? Is it suitable that they should come here and disturb the peace of my Government? It is by no means agreeable to us to receive these Roman Catholic missionaries. We have a sufficient quantity of teachers on our land; we agree well with them, they do not trouble us.

These Roman Catholic missionaries belong to France; we conceive they have nothing to do with our island, and hence we are determined not to receive them

I have nothing more to say. Peace be with you.

(Signed) POMARE V.

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No. 5.

Viscount Palmerston to Mr. Consul Pritchard.

(Extract.) *Foreign Office, July* 19, 1837.

I HAVE to desire that you will acquaint Queen Pomare that I have received Her Majesty's letter, dated the 18th of November last, and that I have directed you to convey to Her Majesty the reply of the British Government to the inquiries contained in her letter.

With respect to the inquiry, whether the British Government have sanctioned the residence of certain French Roman Catholic missionaries at Tahiti, I have to desire that you will inform Queen Pomare that the British Government have no knowledge whatever of the individuals in question, neither would the Government of this country have any right to give or to withhold their sanction to the residence of the subjects of any other nation in territories which do not appertain to Great Britain.

Of course every Government has a right to refuse to any foreigners permission to reside within its dominions, if the presence of such foreigners is considered hurtful to the State; but if no such reason exists for requiring foreigners to depart, it is contrary to the usual rules of international hospitality to force them to leave a country in which they may wish to take up their abode, provided they do not infringe the laws of the land.

No. 6.

Mr. Consul Pritchard to Viscount Palmerston.—(Received July 12, 1839.)

British Consulate,
(Extract.) *Tahiti, November* 9, 1838.

I TAKE this opportunity of forwarding to your Lordship translations of certain documents relative to the conduct of the French Commodore Dupetit-Thouars, commanding the frigate "Venus."

On the 30th of August last, the "Venus" came to anchor in this harbour.

On the 31st, at 10 A.M., a letter, of which the inclosed is a true copy, was addressed to Her Majesty Queen Pomare. The frigate immediately assumed a very hostile appearance. The natives generally were greatly alarmed. Queen Pomare addressed a letter to the Commodore, begging that more time might be allowed and an explanation heard. I was requested to act as mediator; accordingly I waited upon the Commodore with the Queen's letter.

The only alternative to prevent devastation and death was to comply with the requisitions.

I also inclose a copy of a treaty proposed by the Commodore, and which, through fear, was ratified by the Tahitian Government. Two French corvettes, the "Astrolabe" and "Zélé," called at Tahiti at the same time; we are now daily expecting the frigate "La Héroïne," and another in January next.

I have the honour to forward to your Lordship a document from Queen Pomare and her chiefs, &c., to our Most Gracious Queen Victoria, which I am persuaded will receive from the British Government that attention which the subject demands.

I have also inclosed a copy of a law, passed by the Tahitian legislative body, by which your Lordship will perceive that the Protestant faith has now become the religion of the State.

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Inclosure 1 in No. 6.

Captain Dupetit-Thouars to Queen Pomare.

To the Queen of Otaheite.

On board French Frigate "Venus,"
Papeite, August 30, 10 *o'clock in the morning.*

Madame,

THE King of the French and his Government, justly irritated for the outrages offered to the nation, by the bad and cruel treatment which some of his members who did come to Otaheite have suffered, and especially Messrs. Laval and Carret, apostolic missionaries, who called at this island in 1836, has sent me to reclaim and enforce, if necessary, immediate reparation, due to a great Power and a valiant nation, who was gravely insulted, and without provocation.

The King and his Government demand:—

1st. That the Queen of Otaheite write to the King of the French, to excuse for the violence and other insults offered to Frenchmen, whose honourable conduct did not deserve such a treatment. The letter of the Queen will be written in Tahitian and in the French language, and both will be signed by the Queen; the said letter of reparation will be sent officially to the Commander of the frigate the "Venus," within twenty-four hours after the present notification.

2nd. A sum of 2,000 Spanish dollars will be paid within the twenty-four hours of the present notification unto the cashier of the frigate the "Venus," as an indemnification for Messrs. Laval and Carret, for the loss occasioned to them by the bad treatment they received at Otaheite.

3rd. After having complied with these two first obligations, the French colours will be hoisted the 1st day of September, on the Island Motu-Uta, to be saluted by the Tahitian Government with twenty-one guns.

I declare to your Majesty, that if they do not subscribe to give the reparation asked for, within the limited time, I will see myself in the obligation to declare war, and to commence hostilities immediately, against all the places of your Majesty's dominions, and which will be continued by all the French vessels of war which will successively call here, and will last to the time when France will have obtained satisfaction.

I am, &c.,

The Captain of the French frigate "Venus,"
(Signed) A. DUPETIT-THOUARS.

Inclosure 2 in No. 6.

Proposed Convention between the King of the French and Queen Pomare.

CONVENTION entre Sa Majesté Louis-Philippe Ier, Roi des Français, représenté par le Capitaine de Vaisseau Abel Dupetit-Thouars, Officier de Légion d'Honneur, commandant la frégate "La Vénus," et Sa Majesté Pomaré, Reine d'Otaïti.

Il y aura paix perpétuelle et amitié entre les Français et les habitans d'Otaïti.

Les Français, quelle que soit leur profession, pourront aller et venir librement, s'établir et commercer dans toutes les îles qui composent le Gouvernement d'Otaïti; ils y seront reçus et protégés comme les étrangers les plus favorisés.

Les sujets de la Reine d'Otaïti pourront également venir en France; ils y seront reçus et protégés comme les étrangers les plus favorisés.

Fait et arrêté au Palais de la Reine d'Otaïti, à Papéïti, le 4 Septembre, 1838. (5 Septembre, style Otaïtien.)

(Signé) A. DUPETIT-THOUARS.
POMARE V.

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(Translation.)

CONVENTION between His Majesty Louis-Philippe, King of the French, represented by Captain Abel Dupetit-Thouars, Officer of the Legion of Honour, commanding the frigate "Venus," and Her Majesty Pomare, Queen of Tahiti.

There shall be perpetual peace and friendship between the French and the inhabitants of Tahiti.

Frenchmen of every profession shall be allowed to go and come freely, to establish themselves, and to trade in all the islands composing the Government of Tahiti; they shall be there received and protected as the most favoured foreigners.

In the same manner the subjects of the Queen of Tahiti shall be allowed to go to France, where they shall be received and protected as the most favoured foreigners.

Done at the Palace of the Queen of Tahiti, at Papeiti, the 4th of September, 1838. (5th of September, Tahitian style.)

(Signed) A. DUPETIT-THOUARS.
POMARE V.

Inclosure 3 in No. 6.

Queen Pomare and Chiefs of Tahiti to Queen Victoria.

(Translation.) *Tahiti, November* 8, 1838.

SALUTATIONS, greetings, and friendship to the mighty Queen of England.

That I, Queen Pomare, with Chiefs and Representatives of my people, assembled to-day as one body and soul, to manifest to you, with the greatest delight, our sentiments of obligation your constant and Christian sympathy has laid us under.

That, in doing so, we are not only fulfilling a duty transmitted to us by a generation nearly gone by, but that accustomed from childhood to cherish the English name, we are following the impulse of our own hearts.

That since the first Englishman neared our shores in one of your vessels, we have praised you as the only nation which showed us a Christian heart, and now may you lend us a Christian hand.

That the blessings of your religion which, through your pious exertions, you taught us to follow, opened to us two new entrances to two new worlds, unknown heretofore to our poor people.

That with the assistance of Jesus Christ and the paternal care of the missionaries, we may hope to secure one of these worlds; but that the other in which civilization leads us into, begins to embitter our life, and will ultimately deprive us even of the dominion of the graves of our ancestors, if we are left to our own resources.

That the commerce and industry which civilization attracts to our islands puts us daily into relations with the white people, superior to us in mind and body, and to whom our institutions appear foolish, and our Government feeble.

That we made our exertions with the concurrence of what our poor experience and knowledge taught us, to obviate these difficulties; but that if we have succeeded in enacting the laws, we cannot succeed in giving them the strength and force which they require.

That thus, in our utter impossibility to make ourselves strong and respected, we are threatened in what we have dearest to our hearts, the Protestant faith and our nationality.

That we have nobody to assist us in our helpless situation except you, who implanted in our hearts, through your people, the love of Jehovah, the love of order and industry.

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Do not let these good seeds perish; do not leave undone what you began, and what is so hapily progressing; lend us your powerful hand; take us under your protection; let your flag cover us, and your lion defend us; determine the form through which we could shelter ourselves lawfully under your wings; cause our children to bless you, and to cherish your Christian feelings as we do.

May the great Jehovah preserve you, and recompence you for all you do in our behalf.

Peace be with you, the Queen of Great Britain, &c., &c.

(Signed) QUEEN POMARE.
TATI.
UTAMI.
PAOFAI.
HITOTI.

P.S.—Should not what is written above be understood by you, we refer you to Captain Elliott, commanding your Majesty's ship "Fly." He is acquainted with our circumstances, and will make them fully known to you.

Inclosure 4 in No. 6.

Law passed by the Tahitian Legislative Body.

(Translation.)

A LAW concerning the propagation of tenets inconsistent with the true Gospel.

Let Tahiti and all the islands of the Kingdom of Pomare, Vahine the First, stand unique under that Gospel which the missionaries from Britain have propagated ever since the year 1797, that is, these forty years past.

When foreigners come from other countries to this, on their landing let this law be put into their hands, that they may know, if such persons persist in teaching tenets which are inconsistent with that true Gospel which has been of old propagated in Tahiti: if they build houses for worship, if they congregate followers in uncultivated places, that they might teach them all kinds of strange doctrines; if they trouble the usual modes of worship, and propagate strange customs for the sake of amusing, that do not comport with the written word of the God of truth, such person has become guilty of breaking this law, and will be judged and awarded. This shall be his award. He will be sent to his own land, and shall not reside on Tahiti.

If any Tahitian shall propagate doctrines inconsistent with the Gospel of truth, such as are called Mamoia, because they are doctrines inconsistent with those which have been taught by the missionaries from Britain, and with what is found in the written word of God, that person has violated the law; if he be a person of rank or a common man, it is the same, he has broken the law, and will be judged and awarded. This will be his award. He will be sent to his native land to accomplish the sentence of the law in; if it be public road, fifty fathoms; if any other work, such as is found written in the laws.

If he persist in refusing to do it, he will be judged, and new work imposed on him.

Tahiti, 8th November, 1838.

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No. 7.

Viscount Palmerston to Mr. Consul Pritchard.

Sir, *Foreign Office, September* 9, 1839.

I HAVE had under my consideration your despatch of the 9th of November last, detailing the proceedings of the French frigate "Venus," at Tahiti, on the 31st of August preceding, and transmitting a letter which Queen Pomare and her Chiefs had thought proper to address to Her Majesty, soliciting that Her Majesty would be graciously pleased to place the islands of Tahiti under the protection of the British flag.

In reply, I have to desire that you will express Her Majesty's deep concern at the difficulties under which Queen Pomare appears to labour; but you will, at the same time, say that, considering the great extent of the present dominions of the British Crown in the Southern Ocean, and the difficulty of adequately providing for the defence of persons living in allegiance to Her Majesty in a quarter of the globe so distant from Great Britain, Her Majesty feels it would be impossible for her to fulfil, with proper punctuality, any defensive obligations which Her Majesty might contract towards the Government and inhabitants of Tahiti, and therefore, however strong the interest may be which Her Majesty takes in the prosperity of the Society Islands, and in the happiness and welfare of Queen Pomare, Her Majesty is bound in good faith to decline to enter into any specific engagement of the kind which has been suggested; but you will assure Queen Pomare that Her Majesty will at all times be ready to attend to any representations that Queen Pomare may wish to make, and will always be glad to give the protection of her good offices to Queen Pomare, in any differences which may arise between Queen Pomare and any other Power.

I am, &c.,
(Signed) PALMERSTON.

No. 8.

Mr. Acting-Consul Wilson to the Earl of Aberdeen.—(*Received March* 11, 1843.)

British Consulate,
My Lord, *Tahiti, September* 26, 1842.

I HAVE the honour to transmit to your Lordship, for the information of Her Majesty's Government, the inclosed documents respecting the change which has taken place in the affairs of the Tahitian Government, attached with an impression of the consular seal, being copies of attested copies, officially transmitted to this Consulate by Rear-Admiral A. Dupetit-Thouars on board of the French frigate "La Reine Blanche."

I have the honour to inform your Lordship that, since the above change in the Tahitian Government, under protection of the French, the Tahitian Flag has been altered; it is now the original flag with the French colours in the upper part next to the staff, and was, at noon of the 12th instant, acknowledged and saluted by the French Admiral on board the frigate "Reine Blanche."

I have also the honour to inform your Lordship that the ports of Tahiti are to remain free ports, and subject to the same regulations as before, pending the pleasure of the King of the French.

The provisional Government is composed of three members, nominated by the Admiral, viz., a Commissioner-Royal—who is the French Consul,—a Military Governor, and Captain of the port of Papeite, the latter, two Lieutenants on board of the frigate "Reine Blanche." These members are to form a council, and will regulate all affairs relating to foreigners.

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For further information respecting the change of affairs in the Tahitian Government, I beg to refer your Lordship more particularly to what is contained in the documents I herewith transmit.

I have, &c.,
(Signed) CHAS. B. WILSON,
Her Britannic Majesty's Acting Consul.

Inclosure 1 in No. 8.

Admiral Dupetit-Thouars to the Queen and Chiefs of Tahiti.

Station Navale de France
dans l'Océan Pacifique.

Déclaration du Contre-Amiral A. Dupetit-Thouars, Commandeur de la Légion d'Honneur et Commandant-en-chef de la Station Navale de France dans l'Océan Pacifique, à Sa Majesté la Reine et au Chefs principaux de l'Ile de Taïti.

VENU à Taïti dans l'espérance d'y rencontrer l'accueil que j'étais en droit d'attendre d'une Puissance amie liée par des traités au Gouvernement auquel j'ai l'honneur d'appartenir, Gouvernement qui récemment encore a donné à la Reine Pomaré des preuves de la grande bienveillance dont il est animé envers elle; je m'attendais à n'avoir à offrir à la Reine et aux chefs principaux de Taïti, que des actions de grâce pour les bons traitemens dont je supposais que mes compatriotes étaient incessamment l'objet. C'est avec un vif sentiment de peine que j'ai reconnu qu'il n'en était point ainsi, et qu'au lieu de la simple équité que nous réclamons et qu'on ne peut raisonnablement refuser à personne, il n'existe peut-être pas un seul Français à Taïti, qui n'ait à se plaindre de la conduite inique ou rigoureuse du Gouvernement de la Reine à son égard.

Contrairement à vos propres lois, les domiciles de plusieurs Français ont été violés pendant leur absence, et leurs maisons, ainsi forcées, sont restées ouvertes et exposées au pillage; des spoliations de propriétés ont été violemment et injustement prononcées, et exécutées plus brutalement encore; plusieurs de nos compatriotes ont été frappés par des agens de la police dont le devoir était de les protéger; d'autres ont été jetés en prison sans jugement préalable, traités en criminels, et mis au bloc comme de vils scélérats, sans avoir pu se faire entendre, &c. Est-ce donc là la protection égale à celle de la nation la plus favorisée, à laquelle nous avions droit? Est-ce là le traitement garanti à nos nationaux par les traités? Non, ils ont été violés et mis de côté de la manière la plus outrageante pour la France, et malgré la promesse toute récente de la Reine au commandant de la corvette "l'Aube," l'infâme Moia, assassin d'un Français, contre lequel elle avait rendu une sentence d'exil, est encore ici, et c'est par l'impunité d'un criminel que les témoignages de bienveillance du Roi des Français sont reconnus.

Mal conseillée, subissant une influence funeste à ses véritables intérêts, la Reine apprendra une seconde fois, qu'on ne se joue pas impunément de la bonne foi et de la loyauté d'une Puissance comme la France.

Puisque nous n'avons aucune justice à attendre du Gouvernement de Taïti, je ne demanderai point à la Reine ni aux chefs principaux de nouveaux traités, leur parole, à laquelle ils manquent sans cesse, ne peut plus aujourd'hui nous inspirer de confiance; des garanties matérielles seules peuvent assurer nos droits; de nouveaux traités seraient sans doute mis en oubli, comme les premiers, qui d'ailleurs sont suffisans, car nous ne demandons pas de faveurs particulières ni exceptionnelles pour nos compatriotes, mais seulement les droits naturels dont on ne peut les priver et qui leur sont acquis; tels sont, la liberté de commercer, de résider, d'aller, de venir, de partir, d'acheter, de louer, de vendre ou de revendre, et la liberté de conscience. Ces droits sont imprescriptibles, et ceux de toutes les sociétés civilisées; ceux dont nous révendiquons l'usage

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parceque ce sont les nôtres; ceux enfin, que nous obtiendrons dès que le Gouvernement marchera légalement et que les lois faites pour tous seront également connues de tous.

En attendant que ce résultat si vivement désiré se réalise, la gravité des plaintes qui me sont portées et les justes indemnités réclamées par grand nombre de Français pour dommages et intérêts des torts qu'ils ont soufferts dans leurs personnes ou leurs propriétés, par suite de l'inexécution des traités avec la France et de la conduite abusive des agens du Gouvernement de Taïti, me font un devoir de vous demander et même d'exiger au besoin, pour la sûreté de mes compatriotes et de leurs droits,—

1°. Que vous déposiez, comme garantie des indemnités qui leur sont légitimement dues, et comme caution de la conduite que vous tiendrez à l'avenir à leur égard, une somme de dix mille piastres fortes qui devra être versée par les soins du Gouvernement de la Reine Pomaré dans deux fois vingt-quatre heures à compter d'aujourd'hui, deux heures de l'après midi, entre les mains du commis d'administration de la frégate la "Reine Blanche," pour être consignée dans la caisse du Gouvernement où elle restera pour être ensuite remise à la Reine Pomaré sur l'ordre du Gouvernement du Roi, lorsque les traités avec la France seront fidèlement exécutés, et que les indemnités dont il appartient au Gouvernement Français seul de déterminer et de prononcer la validité et la quotité, seront acquittées.

2°. Qu'à défaut du versement de la dite somme de dix mille piastres fortes dans le tems prescrit, le fort de la Reine, les établissemens de Moutou Outa et l'Ile de Taïti, seront provisoirement remis à ma disposition et occupés par les troupes Françaises comme gage de l'exécution des traités, jusqu'à ce qu'il ait été rendu compte au Gouvernement du Roi, des griefs dont nous nous plaignons, et qu'il ait statué, comme il a été dit, sur la validité et la quotité des indemnités auxquelles nous avons un droit légitime.

3°. Qu'enfin, dans le cas de l'inexécution de l'une ou de l'autre des clauses ci-dessus, je crois qu'il est de mon devoir de vous déclarer que je me verrais, bien contre mon gré, dans la dure nécessité de prendre une détermination plus rigoureuse encore. Cependant, pour prouver à la Reine et aux chefs principaux combien il me serait pénible d'user d'une telle sévérité envers eux, je les autorise à me soumettre, dans les premières vingt-quatre heures du délai fixé plus haut, toute disposition d'accommodement capable d'appaiser le juste ressentiment de ma nation, si vivement excité contre eux, et conduire à une sincère réconciliation entre deux peuples qui ont de grandes sympathies de caractère et que l'on s'efforce malheureusement de diviser.

A bord de la frégate la "Reine Blanche," le huit Septembre, mil-huit-cent-quarante-deux.

Le Contre-Amiral, Commandant-en-chef la Station Navale de France dans l'Océan Pacifique,
(Signé) A. DUPETIT-THOUARS.

(Translation.)

French Naval Station in the Pacific Ocean.

Declaration of Rear-Admiral A. Dupetit-Thouars, Commander of the Legion of Honour and Commander-in-chief of the French Naval Station in the Pacific Ocean, to Her Majesty the Queen, and to the principal Chiefs of the Island of Tahiti.

HAVING come to Tahiti in the hope to meet with that reception I was entitled to expect from a Power allied by treaty to the Government

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in whose service I have the honour to be, and which Government has recently given to Queen Pomare fresh proofs of the good intentions it entertains towards her, I expected only to have to render thanks to the Queen and to the principal chiefs of Tahiti, for the good treatment which I presumed my countrymen had never ceased to enjoy. With regret I found such was not the case, and that instead of that even justice which we claim there is not, perhaps, a single Frenchman in Tahiti who has not to complain of the iniquitous or rigourous conduct of the Queen's Government towards him.

Contrary to your own laws, the domiciles of several Frenchmen have been violated during their absence, and their houses, thus forcibly entered, have remained open and pillaged; seizures of property have likewise been unjustly ordered, and executed in the most brutal manner; several of our countrymen have been beaten by the police-officers, whose duty it was to protect them; others have been thrown into prison without previous trial, treated as criminals, and executed as villains, without being able to obtain a hearing, &c. Is this then the protection granted to the most favoured nation, which we claim of right? Is this the treatment secured to our countrymen by treaty? No, treaties have been violated and put aside in the most outrageous manner for France; and, notwithstanding the promise recently made by the Queen to the commander of the corvette "Aube," the murderer of a Frenchman, the infamous Moia, whom the Queen had sentenced to exile, is still here, and it is by impunity to a criminal that the proofs of benevolence of the King of the French are acknowledged.

Ill-advised, submitting to an influence fatal to her true interests, the Queen will learn a second time that the good faith and loyalty of a Power such as France, is not with impunity to be trifled with.

As we cannot expect justice from the Government of Tahiti, I will not demand new treaties from the Queen and principal chiefs; we can no longer trust their word, which they incessantly break; substantial securities alone can protect our rights; new treaties would, doubtless, soon be forgotten like the former ones, which, however, are sufficient, for we do not ask for particular nor exceptional favours for our countrymen, but simply equal rights, to which they are entitled, and of which they cannot be deprived; liberty to trade, to reside, to go, to come, to quit, to buy, to let, to sell, or to re-sell, and the liberty of conscience, these are imprescriptible rights, and are those of every civilized people; these we claim, because they are our own; these, in fact, we shall obtain as soon as the Government acts in a legal manner, and that the laws, made for all, shall be equally known to all.

Pending the realization of so desirable a result, the serious complaints which have been made to me, and the indemnities justly claimed by a great number of Frenchmen as compensation for the wrongs they have suffered in their person or property, by the non-execution of the treaties with France, and the abusive conduct of the agents of the Government of Tahiti, make it imperative on me, for the security of my countrymen and of their rights, to demand, and if necessary, by force,—

1st. That you deposit, as security for the indemnities to which they are legitimately entitled, and for guarantee of your future conduct towards them, the sum of ten thousand Spanish dollars, which, in the space of twice twenty-four hours from this day at two o'clock in the afternoon, must, by order of the Government of Queen Pomare, be paid into the hands of the cashier of the frigate "Reine Blanche," to be deposited in the Government chest, where the money shall remain, until restored to Queen Pomare by order of the Government of the King, whenever the treaties with France shall be faithfully executed, and the indemnities paid, the validity, amount, and proportions of which shall be decided by the French Government alone.

2nd. That in default of the said sum of ten thousand Spanish dollars being deposited within the prescribed time, the Fort of the Queen, the establishments of Moutou Outa, and the Island of Tahiti, shall be provisionally given up to me, and occupied by French troops, as a pledge for the due execution of treaties, until satisfaction shall be given to the

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Government of the King, for the wrongs of which we complain, and as before mentioned, the Government shall have determined upon the validity and proportions of the indemnity to which we have a legitimate right.

3rd. Finally, that in case of the non-execution of either of the before-mentioned clauses, I deem it my duty to declare to you that I shall, contrary to my will, find myself under the dire necessity of adopting more rigourous measures. However, in order to prove to the Queen and the principal Chiefs how pained I shall be to adopt such severe measures, I invite them to submit to me, during the first twenty-four hours of the delay before stated, any proposal for a settlement capable of satisfying the just resentment of my country, so sensibly excited against them, and which may lead to a sincere reconciliation between two people in whose characters there is great resemblance, but, unfortunately, efforts are made to disunite them.

On board of the frigate "Reine Blanche," the eighth of September, in the year one thousand eight hundred and forty-two.

The Rear-Admiral Commanding-in-chief the French Naval Station in the Pacific Ocean,

(Signed) A. DUPETIT-THOUARS.

Inclosure 2 in No. 8.

Queen Pomare and Chiefs of Tahiti to Admiral Dupetit-Thouars.

(Traduction.)

A l'Amiral Dupetit-Thouars, *Taïti, le 9 Septembre,* 1842.

PARCEQUE nous ne pouvons continuer à gouverner par nous-mêmes dans le présent état de choses, de manière à conserver la bonne harmonie avec les Gouvernemens étrangers, sans nous exposer à perdre nos îles, notre autorité et notre liberté, nous les soussignés, la Reine et les grands chefs de Taïti, vous écrivons la présente pour solliciter le Roi des Français de nous prendre sous sa protection, aux conditions suivantes:—

1°. La souveraineté de la Reine et son autorité et l'autorité des chefs sur leur peuple sera garantie.

2°. Toutes les lois et les réglemens seront faits au nom de la Reine et signés par elle.

3°. La possession des terres de la Reine et du peuple leur sera garantie, ces terres leur resteront, toutes les disputes relativement au droit de propriété ou vrai propriétaire des terres, seront de la jurisdiction spéciale des tribunaux du pays.

4°. Chacun sera libre dans l'exercice de son culte ou sa religion.

5°. Les églises existantes en ce moment continueront d'être, et les missionnaires Anglais continueront leurs fonctions sans être molestés; il en sera de même pour tout autre culte, personne ne pourra être molesté ou contraint dans sa croyance.

A ces conditions, la Reine et les grands chefs demandent la protection du Roi des Français, laissant entre ses mains ou aux soins du Gouvernement Français, ou à la personne nommée par lui et avec l'approbation de la Reine Pomaré, la direction de toutes les affaires avec les Gouvernemens étrangers, de même que tout ce qui concerne les résidens étrangers, les réglemens de port, &c., &c., et de prendre telle autre mesure qu'il pourra juger utile pour la conservation de la bonne harmonie et la paix.

(Signé) POMARE.
PARAITA, *Régent.*
UTUMI.
HITOTI.
TATI.

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(Translation.)

To Admiral Dupetit-Thouars, *Tahiti, September* 9, 1842

AS in the present state of affairs we can no longer govern so as to preserve a good understanding with foreign Governments, without exposing ourselves to the loss of our islands, our authority, and our liberty, we, the Undersigned, the Queen and the principal chiefs of Tahiti, address the present letter to you, to solicit the King of the French to take us under his protection, upon the following conditions:—

1. The sovereignty of the Queen and her authority, and the authority of the chiefs over their people, shall be guaranteed to them.

2. All laws and regulations shall be issued in the Queen's name, and signed by her.

3. The possession of lands belonging to the Queen and to the people shall be secured to them, and shall remain in their possession; all disputes relative to the right to property or lands shall be under the special jurisdiction of the tribunals of the country.

4. Every one shall be free in the exercise of his form of worship or religion.

5. The churches at present established shall continue to exist, and the English missionaries shall continue in their labours without molestation; the same shall apply to every other form of worship, no one shall be molested or constrained in his belief.

Under these conditions the Queen and the principal chiefs solicit the protection of the King of the French, resigning into his hands, or to the care of the French Government, or to the person appointed by him, and approved by Queen Pomare, the direction of all relations with Foreign Governments, as well as everything relative to foreign residents, port regulations, &c., &c., and to take such further measures as he may judge necessary for the preservation of peace and good understanding.

(Signed) POMARE.
PARAITA, *Regent.*
UTUMI.
HITOTI.
TATI.

Inclosure 3 in No. 8.

Admiral Dupetit-Thouars to Queen Pomare and Chiefs of Tahiti.

Rade de Tapéiti, frégate la "Reine Blanche,"
Le 9 *Septembre*, 1842.

Madame et Messieurs,

J'ACCEPTE au nom du Roi et de la France, et sauf ratification, la proposition que vous me faites de placer les Etats et le Gouvernement de la Reine Pomaré sous la protection de Sa Majesté Louis-Philippe, Roi des Français, aux conditions suivantes, savoir:—

1°. Que la souveraineté de la Reine, son autorité et celle des chefs principaux sur leurs peuples, seront garanties.

2°. Que toutes les lois et les réglemens seront faits au nom de la Reine et signés par elle.

3°. Que la possession des terres de la Reine et du peuple leur sera garantie; elles ne pourront leur être enlevées sans leur consentement, soit par acquit ou échange; toutes les contestations relativement au droit de propriété des terres, seront du ressort de la jurisdiction spéciale des tribunaux du pays.

4°. Chacun sera libre dans l'exercice de son culte ou de sa religion.

5°. Les églises établies en ce moment continueront d'exister, et les missionnaires Anglais continueront leurs fonctions sans être molestés; il

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en sera de même pour tout autre culte; personne ne pourra être molesté ou contraint dans sa croyance.

Enfin, que c'est à ces conditions que la Reine et les grands chefs demandent la protection du Roi des Français, abandonnant entre ses mains ou aux soins de son Gouvernement ou à la personne nommée par Sa Majesté et agréée par la Reine Pomaré, la direction de toutes les affaires avec les Gouvernemens étrangers, de même que tout de qui concerne les résidens étrangers, les réglemens de port, &c., &c., et de prendre telle autre mesure qu'il pourra juger utile pour la conservation de la bonne harmonie et de la paix.

La démarche honorable pour mon Gouvernement que vous venez de faire auprès de moi, Madame et Messieurs, fait disparaître jusqu'aux dernières traces du juste mécontentement qu'avaient fait naître les mesures peu bienveillantes prises à l'égard de nos compatriotes. Je me félicite, Madame et Messieurs, de vous voir mettre un terme à nos différends, et je suis convaincu qu'une bienveillance réciproque viendra promptement resserrer les liens qui nous unissent.

Je suis, &c.,

Le Contre-Amiral, Commandant-en-chef la Station Navale de France dans l'Océan Pacifique,

(Signé) A. DUPETIT-THOUARS.

(Translation.)

Tapeiti Roads, frigate "Reine Blanche,"
September 9, 1842.

Madam and Gentlemen,

I ACCEPT, in the name of the King and of France, subject to approval, the proposal which you make to me to place the States and Government of Queen Pomare under the protection of His Majesty Louis-Philippe, King of the French, upon the following conditions, viz.:—

1. That the sovereignty of the Queen, her authority and that of the chiefs over the people, shall be guaranteed to them.

2. That all laws and regulations shall be issued in the Queen's name, and signed by her.

3. That the possession of lands belonging to the Queen and to the people shall be secured to them; their lands shall not be taken from them, without their consent, by purchase or exchange; all disputes relative to the proprietary right to lands shall appertain to the special jurisdiction of the tribunals of the country.

4. Every one shall be free in the exercise of his form of worship or religion.

5. The churches at present established shall continue to exist: and the English missionaries shall continue in the prosecution of their labours without molestation; the same shall apply to every other form of worship; no one shall be molested or constrained in his belief.

Finally, that under these conditions, the Queen and principal chiefs solicit the protection of the King of the French, resigning into his hands, or to the care of his Government, or to the person appointed by His Majesty and approved of by Queen Pomare, the direction of all relations with foreign Governments, as well as everything regarding foreign residents, port regulations, &c. &c., and to take such other measures as he may judge necessary for the preservation of peace and good understanding.

Madam and gentlemen, the decision which you have just taken, so honourable to my Government, removes every symptom of dissatisfaction to which the harsh measures towards our countrymen had given rise. I am happy to see an end put to our differences, and am convinced that a mutual good feeling will promptly strengthen the bonds which unite us.

I am, &c.,

The Rear-Admiral Commander-in-Chief of the French Naval Station in the Pacific Ocean,

(Signed) A. DUPETIT-THOUARS.

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Inclosure 4 in No. 8.

Proclamation in the name of Queen Pomare and Admiral Dupetit-Thouars.

PROCLAMATION.

Au Nom de Sa Majeste la Reine Pomare.

SA Majesté la Reine Pomaré d'une part, et le Contre-Amiral Abel Dupetit-Thouars, Commandeur de la Légion d'Honneur, et Commandant-en-chef la Station Navale de France dans l'Océan Pacifique, de l'autre ;

Prenant en considération les stipulations sur lesquelles est fondée la protection de Sa Majesté Louis-Philippe, provisoirement accordée, sous la réserve de la sanction du Roi ; vu l'impossibilité de prendre immédiatement les ordres de Sa Majesté le Roi des Français; attendu d'ailleurs l'absence totale de lois et de réglemens qui puissent servir de base à la société, se trouvant dans la nécessité de fonder à Taïti, un Gouvernement provisoire, pour diriger les affaires en ce qui concerne les blancs et les relations extérieures, et garantir la sûreté individuelle, les propriétés, et l'ordre public ;

La Reine Pomaré et le Contre-Amiral Dupetit-Thouars, arrêtent :—

1°. Qu'un Conseil de Gouvernement sera établi à Papéiti, capitale de Taïti.

2°. Ce Conseil est investi, conformément aux conditions du protectorat, du pouvoir administratif et exécutif, et des relations politiques extérieures des Etats de la Reine Pomaré.

Le Consul de France, Commissaire du Roi près le Gouvernement de Sa Majesté la Reine Pomaré.

Le Gouverneur militaire de Papéiti.

Le Capitaine de port de Papéiti.

Les arrêtés du Conseil du Gouvernement ne pourront être pris qu'après délibération en conseil, et ne seront exécutifs que lorsqu'ils seront prononcés à l'unanimité.

Hors du Conseil chacun des membres ne conservera que le pouvoir de la spécialité dont il est chargé.

Le Conseil ne pourra s'assembler que lorsqu'il sera convoqué par le Consul de France, Commissaire du Roi, ou par le Gouverneur militaire de Papéiti.

Toute décision qui ne réunira pas l'universalité des suffrages, sera nulle dans son effet et sera renvoyée à la décision du Gouvernement du Roi.

Des procès-verbaux de toutes les délibérations du Conseil, quelle que soit d'ailleurs leur résultat, seront dressés et enregistrés sur des registres timbrés à ce destiné.

Deux exemplaires de copies conformes des procès-verbaux signés par tous les membres du Conseil seront, dans les vingt-quatre heures qui suivront la séance, déposés en Chancellerie du Consulat de France, l'un pour être envoyé à Monsieur le Ministre de la Marine, l'autre pour faire partie des archives du Consulat, et être communiqué, au besoin, aux ayant-droit, ou aux Consuls étrangers.

En cas d'appel d'un jugement au Conseil du Gouvernement, le Conseil devra s'adjoindre, comme assesseurs, les Consuls des nations intéressées, ou si l'affaire est mixte, c'est-à-dire, entre un blanc et un indigène, le Consul de la nation intéressée d'une part, et le Gouverneur du district de l'autre dans ce cas, le jugement pourra être rendu à la majorité des voix.

Il n'y aura d'appel du jugement du Conseil du Gouvernement au Gouvernement du Roi qu'en matière criminelle ; le Conseil du Gouverne-

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ment dans aucun cas, ne pourra prononcer la peine de mort; les affaires de cette gravité seront renvoyées à la décision du Gouvernement du Roi.

Tout appel d'un jugement rendu sur des affaires entre les indigènes sera rejeté par le Conseil du Gouvernement, à moins qu'il ne lui soit déféré en vertu d'une demande par écrit de la Reine Pomaré, qui, dans tous les cas et selon les conditions du protectorat, s'est réservée l'administration et la jurisdiction entière sur les naturels.

La justice civile sera exercée à Taïti,—

1°. Par des tribunaux, entièrement composés d'indigènes nommés par la Reine pour les affaires entre les naturels, selon la coutume établie.

2°. Par les mêmes tribunaux auxquels seront adjoints, en nombre égal aux jurés indigènes pour des tribunaux mixtes, des jurés blancs, nommés par le Conseil du Gouvernement, qui les choisira sur des listes triples de candidats présentés en nombre égal par chacun des Consuls étrangers, pour les affaires entre les blancs et les indigènes.

Enfin les blancs déféreront leurs affaires aux tribunaux du pays, mais dans ce cas tous les jurés seront nommés par le Conseil du Gouvernement, comme il a été dit ci-dessus pour les jurés du tribunal mixte.

Les Consuls étrangers conservent, jusqu'à ce que le Gouvernement Français et leurs Gouvernemens soient informés, leur jurisdiction sur leurs nationaux; ils pourront procéder eux-mêmes, pour les concilier, soit par voie de persuasion, soit par voie d'arbitrage, ou en appeler au tribunal, à la formation duquel ils concourront, en nommant les candidats de leur nation parmi lesquels les jurés devront être pris en nombre proportionnel à celui des nations représentées à Taïti.

Des jugemens du tribunal ils pourront encore en appeler au jugement du Conseil du Gouvernement, auquel ils seront, de droit, adjoints comme assesseurs; enfin, ils pourront même en appeler du jugement du tribunal directement au Gouvernement du Roi.

Tous les jugemens seront rendus d'après les lois du pays déjà promulguées.

Les indigènes et les blancs sont égaux devant la loi.

La liberté des cultes est proclamée; le Gouvernement leur accordera une égale protection. Nul ne pourra être recherché pour ses opinions religieuses, ou contraint dans l'exercice de son culte.

La liberté individuelle est garantie; il ne pourra y être porté atteinte que sur un ordre écrit et motivé du Conseil, après délibération et sur une décision prise à l'unanimité.

Toutes les propriétés, indistinctement, sont garanties; les contestations qui pourront s'élever à ce sujet, conformément aux réserves faites par la Reine, seront exclusivement du ressort des tribunaux indigènes; nul ne pourra être contraint de vendre au d'échanger sa propriété.

Tout blanc résident à Papéiti devra être pourvu d'un certificat de nationalité, ou reconnu par le Consul de sa nation, ou encore pris sous la protection d'un de ceux qui sont accrédités; à défaut de cette garantie il pourra être considéré comme vagabond, et comme tel, obligé à quitter le pays; toutefois, ce jugement ne pourra être rendu qu'après délibération du Conseil du Gouvernement et à l'unanimité des voix.

Toute personne qui voudra faire le commerce en détail sera tenue de prendre une patente; elles seront, jusqu'à décision du Gouvernement, délivrées gratis, par les soins du Conseil du Gouvernement, et enregistrées sur un contrôle particulier destiné à cet usage; les patentes devront être signées par les trois membres du Gouvernement.

L'interdiction sur la vente des liqueurs spiritueuses prononcée par les lois de la Reine Pomaré est maintenue.

La vente des vins, bières ou autres boissons alcoolisées, ne pouvant être assimilée à celle des liqueurs spiritueuses, continuera provisoirement à être autorisée.

Le domicile des particuliers est inviolable; il ne pourra y être porté atteinte qu'autant qu'ils tiendront des maisons publiques, telles qu'hôtels, auberges, cabarets, guinguettes, et billards; toutefois, on ne pourra visiter ces lieux publics que sur un ordre du Conseil ou seulement du Gouverneur militaire.

Les maisons de jeux sont interdites; toute infraction à cette dispo-

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sition sera sévèrement punie, et en cas de récidive, la personne qui s'en sera rendue coupable sera obligée à quitter le pays.

Tout blanc qui interviendra dans les affaires contre le Gouvernement de la Reine Pomaré et celui du Roi, provisoirement établi, ou que par ses clameurs, ses menées, ses calomnies, ou ses actions, cherchera à troubler l'ordre public et la bonne harmonie qui tend à s'établir, pourra sur un arrêté pris en Conseil et à l'unanimité des voix, être forcé à quitter le pays.

Les capitaines des bâtimens qui entreront au port de Papéiti seront tenus de faire la déclaration du motif de leur relâche, au bureau du capitaine de port et de prévenir du jour de leur départ, en justifiant de l'acquit des droits de pilotage et d'ancrage fixés par la Reine Pomaré. Ces droits resteront les mêmes jusqu'à décision du Roi sur l'acceptation du protectorat.

Toutes les fois que la force publique sera nécessaire pour faire mettre à exécution les arrêtés du Conseil du Gouvernement, le Gouverneur indigène de Papéiti, nommé par le Reine Pomaré, devra, à la demande écrite du Conseil du Gouvernement, prêter main forte, s'il en est requis.

Pour la Reine,
(Signé) PARAITA, *Régent.*

Le Contre-Amiral, Commandant-en-chef la Station Navale de l'Océan Pacifique,
(Signé) A. DUPETIT-THOUARS.

(Translation.)

In the name of Her Majesty Queen Pomare.

HER Majesty Queen Pomare, on the one part, and Rear-Admiral Abel Dupetit-Thouars, Commander of the Legion of Honour, and Commander-in-chief of the French naval station in the Pacific Ocean, on the other part;

Having taken into consideration the stipulations which form the basis of the protection of His Majesty Louis-Philippe, provisionally granted, subject to the King's approval; and also the impossibility of receiving immediately the orders of His Majesty the King of the French; and in consideration of the total absence of laws and regulations which may serve as a basis for society; and the necessity of establishing at Tahiti a provisional Government for the direction of such affairs as have reference to white persons, and to foreign relations, as also for securing the safety of individuals, of property, and of public order;—

Queen Pomare and Rear-Admiral Dupetit-Thouars decree:—

1. That a Council of Government shall be established at Papeiti, the capital of Tahiti.

2. Agreeably to the conditions of the Protectorship, this Council is invested with administrative and executive power, and the management of the foreign political relations of the States of Queen Pomare.

The French Consul, Commissioner of the King to the Government of Her Majesty Queen Pomare.

The Military Governor of Papeiti.

The Captain of the Port of Papeiti.

The decrees of the Council of Government shall not be issued until after discussion in the Council, and shall not be in force unless unanimously agreed to.

Out of the Council, each member shall only retain the specific authority belonging to his office.

The Council shall only assemble when convened by the French Consul, Commissioner of the King, or by the Military Governor of Papeiti.

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Every decision which shall not have been unanimously adopted, shall be null, and submitted to the decision of the Government of the King.

Minutes of all the deliberations in the Council, whatever be their result, shall be taken, and registered in stamped registers kept for that purpose.

Duplicate copies of the minutes, signed by all the members of the Council, shall, within twenty-four hours from their sitting, be deposited in the Chancery of the French Consulate, one copy to be forwarded to the Minister of Marine, the other to form part of the Consular archives, to be communicated, as need may be, to those whom it concerns, or to the foreign Consuls.

In case of appeal to the Council of Government, the Council shall add to its number, as assessors, the Consuls of those nations interested in the matter; or if the business be of a mixed nature, that is, between a white person and a native, the Consul of the nation interested on the one part, and the Governor of the district on the other; in such case, judgment shall be pronounced by the majority of votes.

Appeal to the Government of the King against a judgment of the Council of Government, shall only be allowed in criminal matters. In no case shall the Council of Government pronounce sentence of death; matters of such importance shall be submitted for decision to the Government of the King.

Appeal against a judgment in matters between natives shall be rejected by the Council of Government, unless referred to it by request in writing from Queen Pomare, who, in all cases, under the conditions of the Protectorship, has retained the government and entire jurisdiction over the natives.

Civil justice shall be exercised at Tahiti,—

1. By tribunals entirely composed of natives appointed by the Queen, for matters between natives, according to established usage.

2. By the same tribunals, to which shall be added, for the formation of mixed tribunals, in equal numbers with the native jurors, white jurors, named by the Council of Government, who will select them from duplicate lists of candidates given in by each of the foreign Consuls, for matters arising between the white people and the natives.

In fine, the white people shall submit their affairs to the tribunals of the country, in which case the jurors shall be nominated by the Council of Government, as aforesaid for jurors of a mixed tribunal.

The foreign Consuls retain their jurisdiction over their countrymen, pending information to the French Government and to their own; they shall themselves take measures to settle matters between them, either by way of persuasion, by arbitration, or by an appeal to the tribunal, in the formation of which they shall join, by nominating candidates of their own country, from among which shall be selected a number equivalent to that of the other nations represented at Tahiti.

They may appeal against a judgment of the tribunal to the Council of Government, which they are entitled to join as assessors; they may even appeal from the tribunal direct to the Government of the King.

All judgments shall be pronounced according to the laws of the country already promulgated.

The natives and white people shall be equal in law.

The liberty of worship is decreed: Government will afford an equal protection to all. No one shall be persecuted on account of his religious opinions, or impeded in the exercise of his worship.

Personal liberty is secured; it shall not be infringed except upon a written order from the Council, after deliberation and a unanimous decision.

Property of every kind shall be secured to its owner; disputes which may arise about it shall, conformably to the reservations in favour of the Queen, be referred exclusively to the native tribunals; no one shall be forced to sell or exchange his property.

Every white person residing at Papeiti shall be provided with a certificate of nationality, or recognized by the Consul of his country, or otherwise taken under the protection of one of those who are accredited to the

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Government; in default of this security, he will be considered a vagrant, and as such, obliged to leave the country; such an order, however, shall only be pronounced after deliberation in the Council of Government, and a unanimous vote.

Any person wishing to engage in the retail trade shall be obliged to procure a license, which, until decision of the Government, shall be delivered gratis by the Council of Government, and registered accordingly; all licenses must bear the signature of the three Members of Government.

The prohibition of the sale of spirituous liquors, decreed by the laws of Queen Pomare, continues to be in force.

The sale of wine, beer, and other alcoholized drinks, which cannot be assimilated to spirituous liquors, shall, provisionally, continue to be allowed.

Private dwellings are inviolable; they shall not be entered, unless they be public-houses, such as hotels, taverns, pot-houses, dancing places, and billard rooms; nevertheless, these public places shall not be visited except upon order of the Council, or of the Military Governor alone.

Gambling-houses are forbidden: any infringement of such prohibition shall be severely punished; and in case of a repetition of the offence, the guilty party shall be expelled the country.

Any white person who shall be implicated in attempts against the Government of Queen Pomare and of the King, provisionally established, or who, by clamour, intrigue, calumny, or overt acts, shall endeavour to disturb public order and the good harmony which is being established, may be expelled from the country by a unanimous decree of the Council.

Captains of vessels entering the port of Papeiti, shall make a declaration of their motive for so doing at the office of the Captain of the port, and give notice of the day of their departure, upon proving the payment of the pilotage and anchorage dues fixed by Queen Pomare. These dues shall remain the same until the King's decision, upon the acceptance of the protectorate, be known.

Whenever public force shall be requisite in order to put into execution the decrees of the Council of Government, the native Governor of Papeiti appointed by Queen Pomare, shall, if required by a written order from the Council of Government, afford an armed force.

For the Queen,
(Signed) PARAITA, *Regent.*

The Rear-Admiral Commanding-in-chief the French Naval Station in the Pacific Ocean,
(Signed) A. DUPETIT-THOUARS.

No. 9.

Lord Cowley to the Earl of Aberdeen.—(Received March 22.)

(Extract.) *Paris, March* 20, 1843.

I HAD some conversation with the Minister for Foreign Affairs, yesterday, on the subject of the proceedings of the French squadron in the Pacific, and particularly with relation to Otaheite. M. Guizot told me that the suzerainty of that island had been tendered by the Queen to the King of the French, and had been accepted provisionally by Admiral Dupetit-Thouars.

He said, "We have nothing to conceal with respect to our proceedings in the Pacific. We should gladly avail ourselves of any means of strengthening or improving our possession of the Marquesas, but beyond this, we have no views of conquest or appropriation of any kind. With respect to the Sandwich Islands, for instance, we are quite ready to acknowledge their independence." This he repeated several times. He afterwards observed that there were some grounds for apprehending that the tranquillity of the islands in the Pacific might be disturbed by dissensions on account of the difference of the religious tenets of the Catholic and Protestant missionaries. He did not, however, say that any disturbances had yet taken place.

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No. 10.

Lord Cowley to the Earl of Aberdeen.—(Received March 26.)

(Extract.) *Paris, March* 24, 1843.

IN answer to a question put to M. Guizot, in the Chamber of Peers, relative to the missionaries in the South Seas, with reference to the Island of Otaheite having been placed under the protection of France, he replied, that no impediment would be thrown in the way of the dissemination of the Christian religion, and that equal protection would be given to Protestant and to Catholic missionaries.

No. 11.

The Earl of Aberdeen to Lord Cowley.

My Lord, *Foreign Office, March* 28, 1843.

HAVING recently had occasion to call the attention of the French Ambassador at this Court to the proceedings of the French squadron in the Pacific, I have received with satisfaction your Excellency's despatches of the 20th and 24th instant, in the first of which you report the substance of a conversation which you had held with M. Guizot on the subject of those proceedings, and especially those of Admiral Dupetit-Thouars at Otaheite, as well as of the views and intentions entertained by the French Government respecting that island, and also with regard to the Sandwich Islands.

I have to desire that your Excellency will express to M. Guizot the satisfaction with which Her Majesty's Government have received the assurance given to you by him, that the French Government entertain no thought of conquest or appropriation in the Pacific; and that with regard to the Sandwich Islands, the French Government will be quite ready to acknowledge their independence.

Her Majesty's Government have also derived much gratification from the declaration publicly made by M. Guizot in the Chamber of Peers, that no impediment would be thrown in the way of the dissemination of the Christian religion, and that equal protection would be given in the islands of the South Sea to Protestant and to Roman Catholic missionaries.

That declaration, coupled with the Article of the Convention concluded between the French Admiral and the Authorities of Otaheite, by which freedom of religious worship is equally assured to all persons resident in the dominions of Queen Pomare, and especially to the British missionaries, gives us security that none of those estimable teachers of Christianity will be disturbed in the free exercise of their religious functions.

I am, &c.,
(Signed) ABERDEEN.

No. 12.

Lord Cowley to the Earl of Aberdeen.—(Received April 3.)

My Lord, *Paris, March* 31, 1843.

I THOUGHT it advisable to communicate to M. Guizot the contents of your Lordship's despatch of the 28th instant, relative to what had passed between the two Governments, on the subject of the proceedings of the French squadron in the Pacific; and I have the satisfaction of stating that he admitted the correctness of my report of our conferences

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upon that subject. He also gave me fresh assurances, that every protection should be given to the Protestant missionaries in the islands of the South Seas, and that instructions for that purpose had already been transmitted to the French Admiral commanding in those seas.

I have, &c.,
(Signed) COWLEY.

No. 13.

Lord Cowley to the Earl of Aberdeen.—(Received April 10.)

My Lord, *Paris, April* 7, 1843.

THE increasing excitement on the subject of the Protestant missionaries in the South Seas led me to consider whether some further assurances on the part of the French Government that every possible protection would be afforded to those persons, might not be obtained from the Minister for Foreign Affairs in the form of an official note. I therefore took an opportunity of asking M. Guizot, whether, if I addressed a letter to him upon the subject, he would send me such an answer as might tend to allay the apprehensions to which the recent transactions at Otaheite had given rise. He replied, that he had no objection to repeat in a letter the substance of what he had stated in the Chamber of Peers, which, however, he could not but consider as having been quite sufficient to remove any doubts which might have been entertained as to the intentions of the French Government respecting the Protestant missionaries in the Society Islands.

I accordingly addressed a letter to his Excellency, a copy of which is inclosed, together with a copy of his reply, which I trust will be deemed satisfactory by Her Majesty's Government.

I have, &c.,
(Signed) COWLEY.

Inclosure 1 in No. 13.

Lord Cowley to M. Guizot.

Monsieur le Ministre, *Paris, April* 5, 1843.

I TAKE the liberty of calling your Excellency's attention to the great alarm which prevails in England lest the new order of things established at Otaheite should have the effect of impeding the efforts of the Protestant missionaries in that and the adjacent islands, which up to this time have been successful in promulgating the Protestant faith, and in instructing the inhabitants of those islands in the principles of that faith.

Numerous petitions are preparing for presentation to Parliament claiming the interference of the Legislature for the protection of the missionaries; and although Her Majesty's Government have received with much satisfaction the assurances of the French Government that those deserving persons would be fully protected in the exercise of the calling to which they have devoted their lives, yet any additional pledge to that effect would tend greatly to remove the apprehensions which are daily gaining ground on a matter deeply interesting to all classes of Her Majesty's subjects.

I avail myself, &c.,
(Signed) COWLEY.

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Inclosure 2 in No. 13.

M. Guizot to Lord Cowley.

Monsieur l'Ambassadeur, *Paris, le 6 Avril,* 1843.

J'AI reçu la lettre que votre Excellence m'a fait l'honneur de m'écrire hier, et où elle me parle des craintes qu'on a conçues en Angleterre par rapport à l'avenir des missions Protestantes établies à Taïti. Le langage tenu dès le premier moment par le Gouvernement de Roi semblait devoir suffire pour dissiper ces inquiétudes. Vous reconnaissez vous-même, Monsieur l'Ambassadeur, avec une loyale franchise, que le Gouvernement Britannique en a été pleinement satisfait. J'apprécie, d'ailleurs, comme je le dois, le sentiment qui vous porte à me demander, dans un esprit de confiance amicale et de conciliation, la confirmation de ces assurances, et je n'hésite pas à vous déclarer de nouveau, que le Gouvernement du Roi, dans le système qu'il se propose d'appliquer aux Iles Marquises et aux Iles de la Société, restera fidèle à trois grands principes dont il ne s'est jamais départi,—celui de la liberté des cultes, celui de la protection due aux sujets d'une Puissance amie, enfin, le devoir non moins sacré de favoriser les travaux entrepris pour étendre les bienfaits du Christianisme.

Agréez, &c.,
(Signé) GUIZOT.

(Translation.)

Monsieur l'Ambassadeur, *Paris, April,* 6, 1843.

I HAVE received the letter which your Excellency did me the honour to address to me yesterday, in which you speak of the fears that are entertained in England respecting the future welfare of the Protestant missions established at Tahiti. The language held from the first moment by the Government of the King ought to have been sufficient to allay any such apprehensions. M. l'Ambassadeur, you very candidly acknowledge, yourself, that the British Government was entirely satisfied with it. I, however, appreciate, as I ought, the interest which leads you to ask me, in a spirit of amicable confidence and conciliation, the confirmation of these assurances; and I have no hesitation in repeating to you, that the Government of the King, in the system which it proposes to apply to the Marquesas and Society Islands, will remain faithful to three great principles which it has never departed from,—the liberty of religious worship, protection of the subjects of a friendly Power, and, finally, the no less sacred duty of assisting in the labours taken to spread the benefits of Christianity.

Accept, &c.,
(Signed) GUIZOT.

No. 14.

Lord Cowley to the Earl of Aberdeen.—(Received April 27.)

My Lord, *Paris, April* 25, 1843.

WITH reference to my despatch of the 7th instant, I have now the honour to inclose an extract from from the "Moniteur" of this date, containing the speech of the Minister of Marine upon presenting a *projet de loi* for an extraordinary credit of 5,987,000 francs, for the expenses of the French establishments in the Pacific.

Your Lordship will observe that in this *exposé* the Minister of Marine

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speaks in high terms of praise of the conduct and services of the English missionaries in the Society Islands, declaring that to their efforts is to be attributed the state of civilization to which these islands had arrived; and he renews the assurances already repeatedly afforded, that these deserving persons are entitled to, and will enjoy the protection of the French Government, to its fullest extent.

I have, &c.,
(Signed) COWLEY.

Inclosure in No. 14.

Extract from the "Moniteur Universel" of April 25, 1843.

Exposé des motifs et projet de loi tendant à ouvrir à M. le Ministre de la Marine et des Colonies, un crédit extraordinaire de 5,987,000 *francs, pour être affecté aux dépenses des établissemens Français dans l'Océanie, présenté par M. le Ministre de la Marine et des Colonies.*

MESSIEURS, le Roi nous a chargé de vous soumettre un projet de loi qui a pour objet d'ouvrir un crédit extraordinaire aux dépenses que doivent occasionner en 1844, nos établissemens dans l'Océanie.

Le discours de la Couronne vous a fait connaître la pensée principale qui a présidé à la prise de possession des Iles Marquises. Depuis lors un fait d'une grande importance s'est accompli dans les mêmes parages. Le Protectorat des Iles de la Société a été offert à la France, et accepté, au nom du Roi, par le Contre-Amiral qui commande nos forces navales dans l'Océanie. Cette acceptation a été ratifiée par le Gouvernement, aussitôt qu'elle a été connue.

La France n'avait dans l'Océan Pacifique aucun établissement où ses bâtimens de guerre et ses navires de commerce pussent trouver un asile toujours ouvert et une protection moins mobile que celle d'une station navale. Cependant là où des intérêts Français commencent à se développer, il importe de créer un centre autour duquel ils puissent se grouper et prospérer à l'abri du pavillon national.

La Polynésie est un vaste champ ouvert aux conquêtes du commerce et de la civilisation. Il appartient à la France, qui est au premier rang des nations civilisées et maritimes, de prendre une grande part dans les efforts qui doivent arracher à la barbarie les habitans de cette partie du monde.

Le développement que nos relations avec ces contrées lointaines doivent acquérir est un intérêt qui ne peut manquer de vous frapper. Sur une étendue de plus de quatre mille lieues, nos navires de guerre ne rencontraient aucun point de station appartenant à la France, aucun point où ils pussent se ravitailler ou réparer leurs avaries. Un autre motif tout spécial rendait nécessaire un établissement sur quelquesunes des îles de cette vaste mer. La pêche de la baleine se porte principalement du côté des Archipels de la Polynésie. Ces opérations sont de longue haleine, et tout le temps qu'elles durent, nos bâtimens restent exposés aux violences et aux exactions des populations de ces îles. Nous donnerons à cette branche essentielle de notre marine marchande une protection efficace en la mettant en position d'invoquer sur les lieux mêmes l'autorité et la force de la souveraineté de la France.

Les avantages de nos nouveaux établissemens, incontestables dès à présent, acquerront une bien plus haute importance dans l'avenir. Ils seront considérables si un projet qui, en ce moment, fixe l'attention de toutes les nations maritimes, vient à se réaliser. Il consiste à ouvrir, par l'Isthme de Panama, entre l'Europe et l'Océan Pacifique, un chemin plus court que celui du Cap Horn. Lorsque ce grand résultat, qui intéresse toutes les Puissances Navales, aura été obtenu, les Iles de la Société et les Iles Marquises, en se rapprochant de la France, prendront rang parmi les stations les plus importantes du globe. La facilité de cette communication donnera nécessairement une nouvelle activité à la navigation

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dans l'Océan Pacifique, puisque cette voie, pour se rendre dans la mer des Indes et de la Chine, sera, sinon plus courte, au moins plus sûre et d'un intérêt commercial plus considérable. Nos nouvelles possessions, heureusement situées comme lieux d'étape de ces grands voyages, serviront d'escale aux navigateurs de toutes les nations.

Les élémens d'un commerce actif existent déjà dans l'Océanie ; mais il faut leur donner le moyen de se développer sans entraves. Le meilleur régime pour atteindre ce but est la liberté la plus complète des transactions. Excepté pour les armes et les munitions de guerre que le Gouvernement aura la faculté de prohiber, un libre accès sera ouvert à toutes les importations. Ces îles, avec la franchise de leurs ports, deviendront des entrepôts où nos navires déposeront leurs cargaisons pour les écouler, suivant les besoins, sur les côtes du Mexique, du Chili, et du Pérou, où nous trouvons déjà d'importans débouchés, et dans ces archipels qui, sous l'influence combinée des nations maritimes, s'élèvent à la civilisation.

Notre domination, restreinte aux seules Iles Marquises, aurait pu faire craindre l'insuffisance des ressources locales et la difficulté de tirer du dehors une grande partie des objets indispensables. La fertilité des Iles de la Société, situées seulement à trois jours de distance, fait cesser toute crainte à ce sujet. A Taïti toutes les productions des tropiques sont abondantes, et la terre, cultivée par des mains habiles, pourvoira avec largesse à la nourriture des Européens réunis dans nos deux établissemens.

Quels que soient ces avantages présumés, une occupation nouvelle et à si grande distance exige des frais d'organisation et de défense qu'il faut porter d'abord à leur juste valeur, pour que le poids n'en soit pas aggravé plus tard.

Le Contre-Amiral qui a pris possession des Iles Marquises a évalué au nombre de 900 à 1000 hommes les troupes nécessaires pour assurer leur occupation. Le protectorat que nous allons exercer à Taïti a dû faire augmenter cet effectif qui, pour les deux établissemens, s'élèvera à près de 1,200 hommes en infanterie et en artillerie. La répartition de ces tronpes sera laissée à l'appréciation du Gouverneur, qui la réglera d'après les besoins de chaque établissement.

Le protectorat et l'occupation devant s'appuyer principalement sur une force militaire, le personnel administratif a été réduit autant que pouvaient le permettre les besoins des services les plus essentiels.

Tous les pouvoirs seront concentrés entre les mains d'un Gouverneur, qui commandera les forces de terre et de mer.

Dans les Iles Marquises les missionnaires ont déjà beaucoup fait par l'influence de la religion ; ils continueront leur pieuse tâche. Huit prêtres appartenant à une congrégation qui a fait preuve dans ces contrées du dévouement le plus évangélique, comme du sentiment patriotique le plus pur, composent le personnel religieux de ces îles.

Depuis longtemps des missionnaires Anglais sont établis dans les Iles de la Société, et c'est surtout à leurs efforts, qui ont précédé ceux de nos propres missionnaires, que doit être attribué l'état de civilisation plus avancé qu'on remarque dans cet archipel, si on le compare aux autres points de la Polynésie.

Le bien qu'ils y ont déjà fait, celui qu'ils peuvent y faire encore leur donne des droits à la protection du Gouvernement Français : ils en jouiront dans toute sa plénitude. De notre côté, nous sommes heureux de penser que l'influence Française trouvera dans ces missionnaires étrangers des auxiliaires dévoués à l'œuvre de civilisation qu'il s'agit d'accomplir.

Parmi les dépenses auxquelles le crédit demandé doit pourvoir, sont comprises celles de deux bâtimens à vapeur en fer qui sont indispensables pour faciliter les rapports de nos établissemens avec les ports de la côte d'Amérique. Nous avons dû y faire figurer aussi la dépense relative à la confection et à l'achat de maisons pour le logement du Gouverneur, et pour l'installation des hôpitaux, ainsi qu'au mobilier destiné aux fonctionnaires publics. Ces dernières dépenses, d'une nature nouvelle, se justifient par la situation de nos établissemens, surtout des Iles Marquises, qui sont trop peu avancées en civilisation, pour qu'il ne soit pas indispensable d'y transporter les objets les plus ordinaires de la vie civilisée.

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Le crédit extraordinaire que nous vous demandons s'élève à la somme de 5,987,000 francs; mais nous devons vous faire remarquer que cette somme se compose en très-grande partie de dépenses de premier établissement, qui ne sont pas de nature à se renouveler. En ne tenant compte que des dépenses permanentes, nous estimons que le budget annuel n'excédera pas 2,800,000 francs.

Nous avons pensé que ces chiffres seraient appréciés d'après l'importance du but que nous cherchons à atteindre, et d'après les difficultés d'exécution qui accompagnent toute entreprise semblable.

L'œuvre pour laquelle nous réclamons votre concours, Messieurs, intéresse à un haut degré l'influence maritime de la France. En vue d'une semblable considération, vous accueillerez le projet de loi que le Roi nous a chargé de vous présenter, et qui répond, nous le croyons, aux sentimens de prévoyance et de patriotisme dont vous êtes animés pour les intérêts de notre pays.

PROJET DE LOI.

Article 1er. Il est ouvert au Ministre de la Marine et des Colonies, au titre de l'exercice 1843, un crédit extraordinaire de 5,987,000 francs spécialement affecté aux dépenses des établissemens Français dans l'Océanie.

Ce crédit est réparti ainsi qu'il suit, dans le budget du département de la Marine, conformément à l'état ci-annexé savoir:

Chapitre V. Solde et habillement des équipages et des troupes	487,000
Chapitre XXV. bis (spécial). Dépenses générales des établissemens Français dans l'Océanie .	5,500,000
Total égal . frs.	5,987,000

Article 2. Il sera pourvu aux dépenses autorisées par la présente loi, au moyen des ressources accordées par la loi du 11 Juin, 1842, pour les besoins de l'exercice 1843.

(Translation.)

Exposé of the motives and projet de loi for placing at the disposal of the Minister of Marine and Colonies, an extraordinary credit of 5,987,000 *francs, towards the expense of the French establishments in the Pacific, presented by the Minister of Marine and Colonies.*

GENTLEMEN, the King has directed us to submit to you a *projet de loi*, the object of which is to open an extraordinary credit to defray the expenses of our establishments in the Pacific for the year 1844.

The speech from the Throne has made you acquainted with the principal idea which led to the taking possession of the Marquesas. Since then an important event has taken place in those regions. The protectorship of the Society Islands has been offered to France, and accepted in the King's name, by the Rear-Admiral commanding our naval forces in the Pacific. The Act of Acceptance was ratified by the Government as soon as it became known.

France had no establishment in the Pacific Ocean, where her ships of war and merchant-vessels might at all times find shelter, and more permanent protection than that afforded by a naval station. Nevertheless, in that region where French interests are beginning to develope themselves it is requisite to form a centre around which they may collect and prosper under the protection of the national flag.

Polynesia is an extensive field open to the conquests of commerce and civilization. It belongs to France, which is in the first rank among civilized and maritime nations, to take a great share in the efforts made to redeem the inhabitants of that part of the globe from their present state of barbarism.

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The development which our intercourse with these distant countries will acquire is an interest which cannot fail to strike you. Over an extent of more than four thousand leagues our ships of war found no station belonging to France, none where they could obtain supplies or repair their damages. Another special motive rendered necessary an establishment upon some of the islands of this extensive sea. The whale fishery is principally carried on in the Polynesian archipelagos. These operations are of long duration, and while they last our ships remain exposed to the violence and exactions of the natives of those islands. We shall give to that essential branch of our merchant navy an efficient protection, by placing it in a position to appeal on the spot to the authority and power of the sovereignty of France.

The advantages of our new settlements, even now incontestable, will hereafter acquire much higher importance. They will be very great, if a plan which at present fixes the attention of all maritime Powers, should be carried into execution. It consists in opening between Europe and the Pacific Ocean, through the Isthmus of Panama, a track much shorter than that of Cape Horn. Whenever this grand result, in which all naval Powers are interested, shall have been obtained, the Society Islands and the Marquesas, by being nearer to France, will rank among the most important stations of the globe. The facility of this communication will necessarily give a new impetus to navigation in the Pacific Ocean, this track being, as a communication with the Indian and China Seas, if not shorter, at least safer and of more considerable commercial interest. Our new possessions, happily situated as a store-house in these long voyages, will be used as a place of resort for the navigators of all countries.

The elements of an active commerce already exist in Oceania, but every impediment to its development must be removed. In order to attain this end, the best method to adopt, is freedom of trade in its fullest extent. With the exception of arms and munitions of war, which the Government will have the power to prohibit, a free entry will be afforded to all imports. These islands, with their free ports, will become entrepôts, where our vessels will discharge their cargoes, in order to forward them as required to the coasts of Mexico, Chile, and Peru, where we already find a most important field for trade, and to those Archipelagos, which, under the combined influence of the maritime Powers, are rising into civilization.

Our dominion, if confined to the Marquesas alone, might have created a fear of the insufficiency of their local resources, and the difficulty of procuring from abroad a great many indispensable articles. The fertility of the Society Islands, at only three days' distance, removes every apprehension which might be entertained upon this head. At Tahiti, tropical productions of every kind are abundant, and the land, cultivated by proper hands, will provide ample food for all the Europeans settled in our two establishments.

Whatever these presumed advantages may be, a new settlement at so great a distance, demands an outlay for its organization and defence, which must at first be estimated at its real value in order that the amount may not be increased hereafter.

The Rear-Admiral who took possession of the Marquesas Islands estimates the number of troops necessary to secure their occupation at 900 to 1000 men. The protectorship which we are about to exercise at Tahiti requires that number should be increased, which, for the two settlements, will amount to about 1200 men of infantry and artillery. The disposal of these troops will be left to the judgment of the Governor, who will station them according to the wants of each settlement.

The protectorship and occupation resting mainly upon a military force, the administrative department has been reduced as far as the duties of the most essential services would allow.

All power shall be concentrated in the hands of the Governor, who shall have the command of the forces by land and sea.

In the Marquesas, the missionaries have already done much through the influence of religion; they shall continue their pious labours. Eight priests belonging to a congregation, which, in these countries, has given

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proof of the most Christian devotedness, as well as the most patriotic sentiments, form the religious establishment of these islands.

For a long time past, English missionaries have settled in the Society Islands; and it is principally owing to their efforts, which preceded those of our own missionaries, that a more advanced state of civilization exists in this archipelago, when compared with the other parts of Polynesia.

The good they have already done, and which they may yet do, entitles them to the protection of the French Government; they shall fully enjoy it. On our part, we are happy to believe that French influence will find in these foreign missionaries devoted auxiliaries in the work of civilization which is to be accomplished.

Among the items which the grant is to provide for are two iron steam-vessels, which are indispensable to facilitate the intercourse between our settlements and the ports on the coasts of America. We have likewise included the expenses for the building and purchase of houses for the Governor, the building of hospitals, and for the furniture for the public offices; this last item, of a novel kind, is called for by the situation of our settlements, particularly the Marquesas, which are too little advanced in civilization, not to render it indispensable to take thither the most common articles of civilized life.

The extraordinary credit which we demand of you amounts to the sum of 5,987,000 francs; but we should remark that this sum consists in great part of the expenses of a first establishment, which are not of a nature to recur. Taking into account the permanent expenses only, we estimate the annual appropriation will not exceed 2,800,000 francs.

We have thought that these expenses will be taken into consideration with reference to the importance of the object we have in view, and to the difficulties which always exist in the execution of an enterprise of this nature.

The object for which we claim your support, Gentlemen, interests in a high degree, the maritime influence of France. Bearing in mind these considerations, you will adopt the *projet de loi* which the King has directed us to lay before you, and which, we have no doubt, corresponds with the feelings of patriotism which you entertain for the interests of our country.

PROJET DE LOI.

Article 1. There is placed at the disposal of the Minister of Marine and Colonies, included in the budget of 1843, an extraordinary credit of 5,987,000 francs, to defray the expenses of the French settlements in Oceania.

This credit is distributed as follows in the budget of the Marine Department, according to the annexed statement, viz.:

Chapter V. Pay and clothing of the land and sea forces	487,000
Chapter XXV. bis (special). General expenses of the French settlements in Oceania .	5,500,000
Total . frs.	5,987,000

Article 2. The expenses authorized by the present law, shall be provided for by the sums granted by law of 11th June, 1842, for the service of 1843.

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TREATY

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OF

AMITY, COMMERCE, AND NAVIGATION,

BETWEEN

HER MAJESTY

AND

THE ORIENTAL

REPUBLICK OF THE URUGUAY,

Signed at London, August 26, 1842.

Presented to both Houses of Parliament, by Command of Her Majesty, 1843.

LONDON:

T. R. HARRISON, PRINTER, ST. MARTIN'S LANE.

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TREATY

OF

AMITY, COMMERCE, AND NAVIGATION,

BETWEEN

HER MAJESTY

AND THE

ORIENTAL REPUBLICK OF THE URUGUAY,

Signed at London, August 26, 1842.

[*Ratifications exchanged at London, July* 17, 1843.]

HER Majesty the Queen of the United Kingdom of Great Britain and Ireland, and His Excellency the President of the Oriental Republick of the Uruguay, being desirous of encouraging and extending the commercial intercourse between the British Dominions and the Territory of the Republick; and deeming it meet that the friendly relations which now subsist between the Two States, should be acknowledged and confirmed by the signature of a Treaty of Amity, Commerce, and Navigation; Her Britannick Majesty, and His Excellency the President of the Oriental Republick of the Uruguay, have, for this purpose, named as their Plenipotentiaries, that is to say:—

Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, the Right Honourable George Earl of Aberdeen, Viscount Gordon, Viscount Formartine, Lord Haddo, Methlick, Tarvis, and Kellie, a Peer of the United Kingdom, a Member of Her Majesty's Most Honourable Privy Council, Knight of the Most Ancient and Most Noble Order of the Thistle, and Her Majesty's Principal Secretary of State for Foreign Affairs; and the Right Honourable Frederick John Earl of Ripon, Viscount Goderich, a Peer

SU Majestad la Reina del Reino Unido de la Gran Bretaña é Irlanda, y Su Excelencia el Presidente de la Republica Oriental del Uruguay, deseando fomentar y extender el comercio entre los Dominios Britanicos y el Territorio de la Republica; y considerando conveniente que las relaciones amistosas que ahora existen entre los dos Estados sean reconocidas y confirmadas por medio de un Tratado de Amistad, Comercio, y Navegacion; Su Majestad Britanica, y Su Excelencia el Presidente de la Republica Oriental del Uruguay, han nombrado, con este fin, como sus Plenipotenciarios, á saber:—

Su Majestad la Reina del Reino Unido de la Gran Bretaña é Irlanda, al Muy Honorable Jorge Conde de Aberdeen, Visconde Gordon, Visconde Formartine, Lord Haddo, Methlick, Tarvis, y Kellie, Par del Reino Unido, Miembro del Muy Honorable Consejo Privado de Su Majestad, Caballero del Muy Antiguo y Noble Orden del Cardo, y Principal Secretario de Estado de Su Majestad en el Departamento de Relaciones Exteriores; y al Muy Honorable Federico Juan Conde de Ripon, Visconde Goderich, Par del

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of the United Kingdom, a Member of Her Majesty's Most Honourable Privy Council, and President of the Committee of Privy Council for Affairs of Trade and Foreign Plantations;

And His Excellency the President of the Oriental Republick of the Uruguay, Señor Don José Ellauri, His Minister of State and for Foreign Affairs, Envoy Extraordinary and Minister Plenipotentiary of the Republick to Her Britannick Majesty;

Who, after having communicated to each other their respective Full Powers, found in good and due form, have agreed upon and concluded the following Articles:—

Reino Unido, Miembro del Muy Honorable Consejo Privado de Su Majestad, y Presidente de la Comision del Consejo Privado para los Negocios de Comercio y de las Colonias;

Y Su Excelencia el Presidente de la Republica Oriental del Uruguay, al Señor Don José Ellauri, Su Ministro Secretario de Estado y de Relaciones Exteriores, Enviado Extraordinario y Ministro Plenipotenciario de la Republica cerca de Su Majestad Britanica;

Quienes, despues de haberse comunicado sus Plenos Poderes respectivos, hallados en buena y debida forma, han acordado y concluido los Articulos siguientes:—

ARTICLE I.

There shall be perpetual Peace and Amity between the dominions and subjects of Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, Her Heirs and Successors, and the Oriental Republick of the Uruguay, and its citizens.

ARTICULO I.

Habrá Paz y Amistad perpetua entre los dominios y subditos de Su Majestad la Reina del Reino Unido de la Gran Bretaña é Irlanda, Sus Herederos y Succesores, y la Republica Oriental del Uruguay, y sus ciudadanos.

ARTICLE II.

There shall be between all the territories of Her Britannick Majesty in Europe, and the territories of the Oriental Republick of the Uruguay, a reciprocal freedom of commerce. The subjects and citizens of the two countries, respectively, shall have liberty freely and securely to come, with their ships and cargoes, to all places, ports, and rivers, in the territories aforesaid, to which other foreigners are or may be permitted to come; to enter into the same, and to remain and reside in any part of the said territories respectively; also to hire and occupy houses and warehouses for the purposes of their commerce; and, generally, the merchants and traders of each nation shall enjoy, within the territories of the other, the most complete protection and security for their commerce; subject always to the laws and statutes of the land.

In like manner, the respective ships of war and Post Office packets of the two countries, shall have liberty freely and securely to

ARTICULO II.

Habrá entre todos los territorios de Su Majestad Britanica en Europa, y los territorios de la Republica Oriental del Uruguay, una libertad reciproca de comercio. Los subditos y ciudadanos de los dos paises gozarán respectivamente la franqueza de llegar libre y seguramente, con sus buques y cargamentos, á todos aquellos parages, puertos, y rios, en los dichos territorios, á los cuales sea ó pueda ser permitido á otros extrangeros el llegar; entrar en los mismos, y permanecer y residir en cualquiera parte de los dichos territorios respectivamente; tambien alquilar y ocupar casas y almacenes para los objetos de su comercio; y generalmente, los comerciantes y traficantes de cada nacion disfrutarán, en los territorios de la otra, de la mas completa proteccion y seguridad para su comercio; siempre sugetos á las leyes y estatutos del pais.

Del mismo modo, los respectivos buques de guerra y paquetes de los dos paises tendrán libertad para llegar franca y seguramente á todos

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come to all harbours, rivers, and places, in either country, to which other foreign ships of war and packets are or may be permitted to come; and they shall be allowed to enter into the same, to anchor and to remain there and refit; subject always to the laws and statutes of the two countries, respectively.

It is hereby declared, that the stipulations of the present Article are not to be understood as applying to the navigation and carrying trade between one port and another, situated in the dominions of either Contracting Party; such navigation and trade being reserved exclusively to national vessels.

los puertos, rios, y lugares, en cualquiera de los dos paises, á los cuales es ó será permitido á los buques de guerra y paquetes de otras naciones llegar; y les será permitido entrar en los mismos, anclar y permanecer allí, y repararse; sugetos siempre á las leyes y estatutos de los dos paises, respectivamente.

Se declara aqui, que en las estipulaciones del presente Articulo, no está comprendida la navegacion y comercio de cabotage entre un puerto y otro situados en los dominios de cualquiera de las Partes Contratantes; siendo reservado este trafico y navegacion unicamente á los buques nacionales.

ARTICLE III.

There shall be reciprocal liberty of commerce and navigation between and amongst the subjects and citizens of the two High Contracting Parties; and the subjects and citizens of the two countries, respectively, shall not pay in the ports, harbours, roads, cities, towns, or places whatsoever in either country, any other or higher duties, taxes, or imposts, under whatsoever names designated or included, than those which are there paid by the subjects or citizens of the most favoured nation; and the subjects and citizens of each of the High Contracting Parties shall enjoy the same rights, privileges, liberties, favours, immunities, and exemptions, in matters of commerce and navigation, that are granted, or may hereafter be granted, in either country, to the subjects or citizens of the most favoured nation.

No duty of customs or other impost shall be charged upon any goods the produce of one country, upon importation by sea or by land from such country into the other, higher than the duty or impost charged upon goods of the same kind, the produce of, or imported from, any other country. And Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, and the Oriental Republick of the Uruguay, do hereby bind and engage themselves not to grant any favour, privilege, or immunity, in matters of commerce and navigation, to the subjects or citizens of any

ARTICULO III.

Habrá reciproca libertad de comercio y navegacion entre los subditos y ciudadanos de las dos Altas Partes Contratantes; y los subditos y ciudadanos de los dos paises, respectivamente, no pagarán en cualquiera de los puertos, radas, ancladeros, ciudades, pueblos, ó lugares, en cualquiera de los dos paises, algunos otros ni mas altos derechos, tributos, ó impuestos, bajo cualesquiera nombres designados ó incluidos, que los que pagan allí los subditos ó ciudadanos de la nacion mas favorecida; y los subditos y ciudadanos de cada una de las Altas Partes Contratantes gozarán los mismos derechos, privilegios, libertades, favores, inmunidades, y exenciones, en negocios de comercio y navegacion, que son ó puedan ser en adelante concedidos, en cualquiera de los dos paises, á los subditos ó ciudadanos de la nacion mas favorecida.

No se impondrá mas alto derecho de aduana ú otro impuesto á las mercaderias, producto de uno de los dos paises, en su importacion de dicho pais al otro, por mar ó por tierra, que el que paguen las mercaderias de la misma especie, producto de cualquiera otra nacion, que sean importadas de ella. Y Su Majestad la Reina del Reino Unido de la Gran Bretaña é Irlanda, y la Republica Oriental del Uruguay, se obligan y se comprometen á no conceder favor, privilegio, ó inmunidad alguna, en objetos de comercio y navegacion, á los subditos ó ciudadanos de cualquier otro Estado, que

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other State, which shall not be also and at the same time extended to the subjects or citizens of the other High Contracting Party; gratuitously, if the concession in favour of that other State shall have been gratuitous; and on giving as nearly as possible the same compensation or equivalent, in case the concession shall have been conditional.

no sea tambien y al mismo tiempo concedido á los subditos ó ciudadanos de la otra Alta Parte Contratante; gratuitamente, si la concesion en favor de aquel otro Estado hubiese sido gratuita; y dando tan aproximadamente como se pueda la misma compensacion ó equivalente, en caso que la concesion hubiese sido condicional.

ARTICLE IV.

No higher or other duties or payments on account of tonnage, light or harbour dues, pilotage, salvage in case of damage or shipwreck, or any local charges, shall be imposed in any of the ports of the one country upon the vessels of the other, than are payable in those ports upon national vessels.

ARTICULO IV.

No se impondrán otros ni mas altos derechos ó impuestos por razon de tonelada, fanal, puerto, pilotage, salvamento en caso de avería ó naufragio, ni algun otro derecho local, en alguno de los puertos de un pais sobre los buques del otro, que los que se pagaren en aquellos puertos por los buques nacionales.

ARTICLE V.

The same duties shall be paid on all articles, the growth, produce, or manufacture of Her Britannick Majesty's dominions, when imported into the territories of the Oriental Republick of the Uruguay, whether such article be imported in vessels of the said Republick, or in British vessels; and the same duties shall be paid on all articles, the growth, produce, or manufacture of the said Republick, when imported into the dominions of Her Britannick Majesty, whether such article be imported in British vessels, or in vessels of the said Republick. The same duties shall be paid, and the same bounties and drawbacks allowed, on all articles, the growth, produce, or manufacture of Her Britannick Majesty's dominions, when exported to the said Republick of the Uruguay, whether such article be exported in vessels of the said Republick, or in British vessels; and the same duties shall be paid, and the same bounties and drawbacks allowed, on all articles, the growth, produce, or manufacture of the said Republick, when exported to the dominions of Her Britannick Majesty, whether such articles be exported in British vessels, or in vessels of the said Republick.

ARTICULO V.

Se pagarán los mismos derechos sobre todo articulo del cultivo, producto, ó manufactura de los dominios de Su Majestad Britanica, á su importacion en los territorios de la Republica Oriental del Uruguay, ya sea que esta importacion se haga en buques de dicha Republica, ó en buques Britanicos; y los mismos derechos se pagarán sobre todo articulo del cultivo, producto, ó manufactura de dicha Republica, á su importacion en los dominios de Su Majestad Britanica, ya sea que esta importacion se haga en buques Britanicos, ó en buques de dicha Republica. Se pagarán los mismos derechos, y se acordarán las mismas concesiones y gratificaciones, sobre todo articulo del cultivo, producto, ó manufactura de los dominios de Su Majestad Britanica, á su exportacion para dicha Republica del Uruguay, ya sea que esta exportacion se haga en buques de dicha Republica, ó en buques Britanicos; y se pagarán los mismos derechos, y se acordarán las mismas concesiones y gratificaciones, sobre todo articulo del cultivo, producto, ó manufactura de dicha Republica, á su exportacion para los dominios de Su Majestad Britanica, ya sea que esta exportacion se haga en buques Britanicos, ó en buques de dicha Republica.

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ARTICLE VI.

In order to avoid any misunderstanding with respect to the regulations which may respectively determine what shall be considered a British vessel, or a vessel of the Oriental Republick of the Uruguay, when engaged in commerce between the two countries; it is hereby agreed, that all vessels built in the dominions of Her Britannick Majesty, or having been made prize of war, and condemned as such, or having been forfeited under any law made for the prevention of the Slave Trade, and condemned in any competent court for a breach of such law; and which shall be owned and navigated by subjects of Her Majesty, and whereof the master and three-fourths, at least, of the mariners shall be subjects of Her Britannick Majesty, and which shall be registered according to the laws of Great Britain, shall be considered as British vessels;—and that all vessels built within the territory of the said Oriental Republick of the Uruguay, or having been made prize of war and condemned as such, or having been forfeited under any law made for the prevention of the Slave Trade, and condemned in any competent court for a breach of such law, or being of *bonâ fide* British construction, built in any port of Her Britannick Majesty's dominions, and acquired by purchase; and which shall be owned and navigated by citizens of the said Republick, and whereof the Master and three-fourths, at least, of the mariners shall be citizens of the said Republick, or matriculated subjects of Her Britannick Majesty, and which shall be registered according to the laws of the said Republick, shall be considered as vessels of the said Oriental Republick of the Uruguay, so far as shall relate to any commercial rights or privileges in the several ports of Her Britannick Majesty's dominions.

And it is further agreed, that no ship considered as being the ship of either country, shall be qualified to trade, as above described, under the provisions of this Treaty, unless she be furnished with a register, passport, or sea-letter, under the signature of the proper person authorized to grant the same, accord-

ARTICULO VI.

Para evitar cualquiera mala inteligencia con respecto á las reglas que determinen respectivamente el buque que será considerado y calificado como Britanico ó de la Republica Oriental del Uruguay, cuando sea empleado en comercio entre los dos paises; se estipula por el presente, que todo buque construido en los dominios de Su Majestad Britanica, ó que hubiese sido hecho presa de guerra, y condenado como tal, ó que hubiese sido confiscado conforme á alguna ley establecida para la prohibicion del Trafico de Negros, y condenado en algun tribunal competente por infraccion de tal ley; y que sea poseido y navegado por subditos de Su Majestad, y cuyo capitan y tres cuartas partes, á lo menos, de la tripulacion sean subditos de Su Majestad Britanica, y que sea registrado conforme á las leyes de la Gran Bretaña, será considerado como buque Britanico;—y que todo buque construido dentro del territorio de dicha Republica Oriental del Uruguay, ó que hubiese sido hecho presa de guerra, y condenado como tal, ó que hubiese sido confiscado conforme á alguna ley establecida para la prohibicion del Trafico de Negros, y condenado en algun tribunal competente por infraccion de tal ley, ó que sea *bonâ fide* de construccion Britanica, fabricado en algun puerto de los dominios de Su Majestad Britanica, y adquirido por compra; y que sea poseido y navegado por cuidadanos de dicha Republica, y cuyo capitan y, á lo menos, tres cuartas partes de los marineros sean ciudadanos de dicha Republica, ó subditos matriculados de Su Majestad Britanica, y que sea registrado conforme á las leyes de dicha Republica, será considerado como buque de la Republica Oriental del Uruguay, en cuanto toca á los derechos ó privilegios comerciales en los varios puertos de los dominios de Su Majestad Britanica.

Y se estipula ademas, que ningun buque considerado como de cualquiera de los dos paises, será calificado apto para traficar como arriba se ha dicho, bajo las prevenciones de este Tratado, á menos que no sea provisto de un registro, pasaporte, ó carta de navegacion, bajo la firma de la persona debidamente autori-

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ing to the laws of the respective countries, and in a form to be reciprocally communicated by the two Governments to each other. Such register, passport, or sea-letter shall certify the name, occupation, and residence of the owner or owners in the dominions of Her Britannick Majesty, or in the territories of the Oriental Republick of the Uruguay, as the case may be; shall declare that he, or they, is, or are, the sole owner of the ship, or owners in the proportion to be specified; and shall state the name, burden, and description of the vessel, as to build and measurement; and if the vessel is of foreign build, of what country, and, as far as may be possible, when and from whom purchased; and all other particulars constituting the national character of the vessel, as the case may be.

zada para expedirla, segun las leyes de los paises respectivos, y en una forma que será comunicada mutuamente á cada uno de los dos Gobiernos por el otro. Este registro, pasaporte, ó carta de navegacion, certificará el nombre, ocupacion, y residencia del proprietario ó proprietarios en los dominios de Su Majestad Britanica, ó en los territorios de la Republica Oriental del Uruguay, segun fuese el caso; declarará que el ó ellos es ó son el unico proprietario, ó los unicos proprietarios, especificando la parte que á cada uno le corresponde; y certificará el nombre, tonelage, y descripcion del buque respecto á su construccion y dimensiones; y si el buque es de construccion extrangera, de que pais, y en cuanto sea posible, cuando y de quien comprado; y toda otra particularidad que constituya el caracter nacional del buque, segun ocurra el caso.

ARTICLE VII.

The subjects of Her Britannick Majesty shall have full liberty, in all the territories of the Oriental Republick of the Uruguay, to manage their own affairs themselves, or to commit them to the management of whomsoever they please, as broker, factor, agent, or interpreter; and they shall not be obliged to employ any other persons in those capacities, than those employed by the citizens of the Oriental Republick of the Uruguay; and they shall not be restrained in their choice of persons to act in such capacities, nor be obliged to pay them any other salary or remuneration, than such as is paid in like cases by the citizens of the said Republick; and absolute freedom shall be allowed in all cases to the buyer and seller to bargain and fix the price of any goods, wares, or merchandize imported into and exported from the Oriental Republick of the Uruguay, as they shall see fit, provided they observe the laws and established customs of the country. The same privileges shall be enjoyed in the dominions of Her Britannick Majesty, by the citizens of the Oriental Republick of the Uruguay, under the same conditions.

The subjects and citizens of each of the Contracting Parties, respectively, shall, in the territories of the other, receive and enjoy full and

ARTICULO VII.

Los subditos de Su Majestad Britanica tendrán plena libertad, en todos los territorios de la Republica Oriental del Uruguay, para manejar por si mismos sus proprios negocios, ó para encargar su manejo á quien mejor les parezca, como corredor, factor, agente, ó interprete; y no serán obligados á emplear cualquiera otra persona en estos objetos que los empleados por los ciudadanos de la Republica Oriental del Uruguay; y no serán obligados en su eleccion de personas para obrar en tales asuntos, ni serán obligados á pagarles algun otro sueldo ó remuneracion, que la que en semejantes casos se paga por los ciudadanos de dicha Republica; y se concederá absoluta libertad en todos casos al comprador y vendedor para contratar y fijar el precio de algunos bienes, mercaderias, ó mercancias que se introduzcan en la Republica Oriental del Uruguay, ó que se extraigan de ella, como crean conveniente; conformandose siempre á las leyes y costumbres establecidas en el pais. Gozarán los mismos privilegios, en los dominios de Su Majestad Britanica, los ciudadanos de la Republica Oriental del Uruguay, bajo las mismas condiciones.

Los subditos y ciudadanos de cada una de las Partes Contratantes, respectivamente, en el territorio de la otra, tendrán y gozarán de plena

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perfect protection for their persons and property, and shall have free and open access to the Courts of Justice in the said countries, respectively, for the prosecution and defence of their just rights; and they shall be at liberty to employ, in all causes, the advocates, attornies, or agents of whatever description, whom they may think proper; and they shall enjoy, in this respect, the same rights and privileges therein, as native citizens.

y perfecta proteccion en sus personas y propriedades, y tendrán libre y facil acceso á los Tribunales de Justicia en dichos paises, respectivamente, para la prosecucion y defensa de sus justos derechos; y serán libres para emplear, en todas sus causas, los abogados, procuradores, ó agentes de cualquiera clase, que juzguen conveniente; y gozarán en este respecto los mismos derechos y privilegios, que alli disfrutan los ciudadanos nativos.

ARTICLE VIII.

In whatever relates to the police of ports; the lading and unlading of ships; the safety of merchandize, goods, and effects; the succession to personal estates by will or otherwise; and the disposal of personal property, of every sort and denomination, by sale, donation, exchange, or in any other manner whatsoever; and to the administration of justice; the subjects and citizens of each of the two Contracting Parties shall enjoy, in the dominions and territories of the other, the same privileges, liberties, and rights, as native subjects or citizens; and they shall not be charged, in any of these respects, with any higher imposts or duties than those which are or may be paid by natives; conforming of course to the local laws and regulations of such dominions or territories.

And it is further agreed, that the subjects and citizens of the two Contracting Parties shall have and enjoy, in all the dominions or territories of each other, the most full and perfect liberty to devise or dispose of their property and effects of every kind and denomination, and wheresoever situate, by will or testament, to such person or persons, and in such proportions, as their own free will may dictate.

If any subject or citizen of either of the Two Contracting Parties should die without will or testament in the dominions or territories of the other, the Consul-General or Consul, or, in his absence, the representative of such Consul-General or Consul, shall have the right to

ARTICULO VIII.

En todo lo relativo á la policia de los puertos; á la carga y descarga de buques; á la seguridad de las mercancias, bienes, y efectos; á la succesion de las propriedades personales por ultima voluntad ó de otro modo; y á la facultad de disponer de los bienes personales, de cualquiera clase ó denominacion, por venta, donacion, permuta, ó de cualquier otro modo; y á la administracion de justicia; los subditos y ciudadanos de cada una de las dos Partes Contratantes gozarán, en los dominios y territorios de la otra, los mismos privilegios, libertades, y derechos, que los subditos ó ciudadanos nativos; y no se les cargará, en ninguno de estos casos, algunos impuestos ó derechos mas altos que los que son ó puedan ser pagados por los nacionales; conformandose por supuesto á las leyes y reglas locales de tales dominios ó territorios.

Y se estipula ademas, que los subditos y ciudadanos de las dos Altas Partes Contratantes tendrán y gozarán, en todos los dominios ó territorios de cada una, la mas plena y perfecta libertad para legar ó disponer de sus propriedades y efectos de cualquiera clase ó denominacion, y en donde quiera que fuesen situados, por ultima disposicion ó testamento, á favor de tal persona ó de tales personas, y en tales proporciones, como su propria y libre voluntad le pueda dictar.

Si algun subdito ó ciudadano de cualquiera de las dos Partes Contratantes muriere en los dominios ó territorios de la otra sin haber hecho su ultima disposicion ó testamento, el Consul-General ó Consul, ó en su ausencia el representante de tal Consul-General ó Consul, tendrá

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nominate curators to take charge of the property of the deceased, so far as the laws of the country will permit, for the benefit of the lawful heirs and creditors of the deceased, without being interfered with by the authorities of the country, but giving to those authorities due and proper notice.

el derecho de nombrar curadores que se encarguen de los bienes del difunto, en cuanto las leyes del pais permitieren, á beneficio de los herederos y acreedores legales del difunto, sin intervencion alguna de las autoridades del pais, pero dandoles el debido aviso.

ARTICLE IX.

The subjects of Her Britannick Majesty residing in the territories of the Oriental Republick of the Uruguay, and the citizens of the said Republick residing in the dominions of Her Britannick Majesty, shall be exempted from all compulsory military service whatsoever, either by sea or land, and from all forced loans or military exactions or requisitions.

Neither shall they be compelled, under any pretext whatsoever, to pay any charges, requisitions, or taxes, greater than those which are or may be paid by native subjects or citizens of the territories in which they reside.

ARTICULO IX.

Los subditos de Su Majestad Britanica residentes en los territorios de la Republica Oriental del Uruguay, y los ciudadanos de dicha Republica residentes en los dominios de Su Majestad Britanica, estarán exentos de todo servicio militar forzoso, de cualquiera especie, de mar ó de tierra, y de todo emprestito forzoso, ó exacciones ó requisiciones militares.

No serán compelidos á pagar, bajo ningun pretexto, cualesquiera cargas, requisiciones, ó impuestos mayores que los que son ó puedan ser pagados por subditos ó ciudadanos nativos de los territorios en que residan.

ARTICLE X.

It shall be free for each of the two Contracting Parties to appoint Consuls for the protection of trade, to reside in the dominions and territories of the other Party; but no Consul shall act as such, until he shall, in the usual form, be approved and admitted by the Government to which he is sent; and either of the Contracting Parties may except from the residence of Consuls, such particular places as they may judge fit to be excepted. The Diplomatic Agents and Consuls of the Oriental Republick of the Uruguay, in the dominions of Her Britannick Majesty, shall enjoy whatever privileges, exemptions, and immunities, are or may there be granted to Agents of the same rank belonging to the most favoured nation; and in like manner, the Diplomatic Agents and Consuls of Her Britannick Majesty in the territories of the Oriental Republick of the Uruguay, shall enjoy, according to the strictest reciprocity, whatever privileges, exemptions, and immunities, are or may there be granted to the Diplo-

ARTICULO X.

Cada una de las Partes Contratantes tendrá la libertad de nombrar Consules para la proteccion de su comercio, los cuales residirán en los territorios de la otra Parte; pero antes que ningun Consul entre en el ejercicio de sus funciones como tal, deberá ser aprobado y admitido, en la forma acostumbrada, por el Gobierno á quien se dirige; y cualquiera de las Partes Contratantes puede exceptuar de la residencia de Consules, aquellos puntos particulares en que cualquiera de ellas no tenga por conveniente admitirlos. Los Agentes Diplomaticos y Consules de la Republica Oriental del Uruguay gozarán, en los dominios de Su Majestad Britanica, de todos los privilegios, exenciones, é inmunidades concedidas, ó que se concedieren allí, á los Agentes de igual rango de la nacion mas favorecida; y del mismo modo, los Agentes Diplomaticos y Consules de Su Majestad Britanica en los territorios de la Republica Oriental del Uruguay gozarán, conforme á la mas exacta reciprocidad, de todos

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matick Agents and Consuls of the most favoured nation.

los privilegios, exenciones, é inmunidades concedidas, ó que se concedieren alli, á los Agentes Diplomaticos y Consules de la nacion mas favorecida.

ARTICLE XI.

For the better security of commerce between the subjects of Her Britannick Majesty and the citizens of the Oriental Republick of the Uruguay, it is agreed, that if at any time any interruption of friendly intercourse or any rupture should unfortunately take place between the two countries, the subjects or citizens of either of the two Contracting Parties who may be within the territories of the other, shall, if residing upon the coasts, be allowed four months, and if residing in the interior, nine months, to wind up their accounts and to dispose of their property; and a safe conduct shall be given to all such of the aforesaid persons as may choose to quit the country, to enable them to embark unmolested, at the port which the Government of the country shall select. It is, moreover, further agreed, that all subjects or citizens of either of the two Contracting Parties who, at the time of any such interruption of friendly relations between the two countries, shall be established in the exercise of any trade or special employment in the dominions or territories of the other, shall have the privilege of remaining and of continuing such trade and employment therein, without any manner of interruption, in full enjoyment of their liberty and property, so long as they conduct themselves peaceably, and commit no offence against the laws; and their goods and effects, of whatever description, whether in their own custody, or entrusted to individuals or to the State, shall not be liable to seizure or sequestration, or to any other charges or demands than those to which like effects or property belonging to native subjects or citizens may be liable. Debts between individuals, property in the public funds, and shares of companies, shall never be confiscated, sequestered, or detained.

ARTICULO XI.

Para mayor seguridad del comercio entre los subditos de Su Majestad Britanica y los ciudadanos de la Republica Oriental del Uruguay, se estipula que si en algun tiempo ocurriese desgraciadamente una interrupcion de las relaciones amistosas, ó se efectuase un rompimiento entre los dos paises, se concederán á los subditos ó ciudadanos de cualquiera de las dos Partes Contratantes en los territorios de la otra que residan en las costas, cuatro meses, y nueve meses á los que residan en lo interior, para arreglar sus negocios y disponer de sus propriedades; y á todas aquellas personas arriba mencionadas que quisieren salir del pais, se les dará un salvo conducto para que se embarquen sin ser molestados, en el puerto que el Gobierno del pais eligiere. Ademas se estipula, que todos los subditos ó ciudadanos de cualquiera de las dos Partes Contratantes que, al tiempo de tal interrupcion de relaciones amistosas entre los dos paises, estuviesen establecidos en el ejercicio de algun trafico ú ocupacion especial en los dominios ó territorios de la otra, tendrán el privilegio de quedar y continuar tal trafico y empleo allí, sin que se les interrumpa de manera alguna, en el goze absoluto de su libertad y de sus bienes, mientras se conduzcan pacificamente, y no cometan ofensa alguna contra las leyes; y sus bienes y efectos de cualquiera clase, sea que esten bajo su propria custodia, ó confiados á otros individuos ó al Gobierno, no estarán sugetos á embargo ó secuestro, ni á algunas otras cargas ó imposiciones que las que se hagan con respecto á semejantes efectos ó propriedades pertenecientes á subditos ó ciudadanos nativos. Deudas entre individuos, propriedades en los fondos publicos, ó acciones de compañias, jamás serán confiscadas, secuestradas, ó detenidas.

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ARTICLE XII.

The subjects of Her Britannic Majesty, and the citizens of the Oriental Republic of the Uruguay, respectively, residing in the territories of the other Party, shall enjoy in their houses, persons, and properties, the protection of the Government, and continue in possession of the privileges which they now legally enjoy. They shall not be disturbed, molested, or annoyed in any manner on account of their religion, but they shall have perfect liberty of conscience, provided they respect the religion of the country in which they reside, as well as the constitution, laws, and customs of the land. They shall also have permission to celebrate Divine Service, according to the rites and ceremonies of their own church, either within their own private houses, or in their own particular churches or chapels, which they shall be at liberty to build and maintain in convenient places, approved of by the Government. Liberty shall also be granted to the subjects or citizens of either of the two Contracting Parties resident in the territories of the other, to bury in burial places of their own, such of their fellow-subjects or fellow-citizens, who may die in such territories. Such burial places may be freely established and maintained; and the funerals and sepulchres of the dead shall not be disturbed in any way, or upon any account.

ARTICULO XII.

Los subditos de Su Majestad Britanica, y los ciudadanos de la Republica Oriental del Uruguay, respectivamente, residentes en los territorios de la otra Parte, gozarán en sus casas, personas, y propriedades, de la proteccion del Gobierno, y continuarán en posesion de los privilegios que al presente legalmente gozan. No serán inquietados, molestados, ó incomodados en alguna manera á causa de su religion, y tendrán perfecta libertad de conciencia, con tal que respeten la religion del pais en que residen, como tambien la constitucion, leyes, y costumbres de él. Tendrán tambien permiso para celebrar el Oficio Divino, conforme à los ritos y ceremonias de su propria iglesia, ya sea dentro de sus casas particulares, ó en sus iglesias ó capillas, las que estarán facultados para edificar y mantener en los sitios convenientes que sean aprobados por el Gobierno. Tambien se concederá libertad á los subditos ó ciudadanos de cualquiera de las dos Partes Contratantes residentes en los territorios de la otra, para enterrar en sus proprios cementerios, á todos sus consubditos ó conciudadanos que murieren en dichos territorios. Estos cementerios podrán ser libremente establecidos y mantenidos; y no se molestarán los funerales ni los sepulcros de los muertos de ningun modo, ni por ningun motivo.

ARTICLE XIII.

The present Treaty shall be in force for the term of ten years from the date thereof; and further, until the end of twelve months after either of the High Contracting Parties shall have given notice to the other of its intention to terminate the same: each of the High Contracting Parties reserving to itself the right of giving such notice to the other at the end of the said term of ten years, or at any subsequent time.

And it is hereby agreed between them, that at the expiration of twelve months after such notice shall have been received by either Party from the other, this Treaty, and all the provisions thereof, shall altogether cease and determine.

ARTICULO XIII.

El presente Tratado estará en vigor por el termino de diez años contados desde su fecha; y en adelante por doce meses mas, despues que una de las dos Altas Partes Contratantes diere aviso á la otra de su intencion de terminarlo: reservandose cada una de las dos Altas Partes Contratantes el derecho de dar á la otra tal aviso al fin de dicho termino de diez años, ó en cualquier tiempo despues.

Y por esto se estipula entre ellas, que á la expiracion de doce meses despues que tal aviso haya sido recibido por una Parte de la otra, este Tratado, y todas las prevenciones de él, cesarán enteramente.

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ARTICLE XIV.

The present Treaty shall be ratified, and the ratifications shall be exchanged at London as soon as possible within the period of eighteen months from the date thereof.

In witness whereof the respective Plenipotentiaries have signed the same, and have affixed thereto their respective Seals.

Done at London, the twenty-sixth day of August, in the year of Our Lord one thousand eight hundred and forty-two.

(L.S.) ABERDEEN.
(L.S.) RIPON.
(L.S.) JOSE ELLAURI.

ARTICULO XIV.

El presente Tratado será ratificado, y las ratificaciones serán cangeadas en Londres lo mas pronto posible dentro del espacio de diez y ocho meses de su fecha.

En testimonio de lo cual, los respectivos Plenipotenciarios lo han firmado, y sellado con sus sellos respectivos.

Fecho en Londres, á los veinte y seis dias del mes de Agosto, del año de Nuestro Señor de mil ochocientos cuarenta y dos.

(L.S.) ABERDEEN.
(L.S.) RIPON.
(L.S.) JOSE ELLAURI.

ADDITIONAL ARTICLE.

Whereas by Article IX of the Treaty of Amity, Commerce, and Navigation, concluded and signed this day between Her Britannick Majesty and the Oriental Republick of the Uruguay, it is stipulated that the subjects of Her Britannick Majesty, residing in the said Republick, shall not be compelled, under any pretext whatsoever, to pay any charges, requisitions, or taxes, greater than those which are or may be paid by native citizens; and whereas, by a law of the Oriental Republick of the Uruguay, a foreigner pays for the license to open a shop, or other establishment included in the provisions of the said law, a sum greater than that which is paid by a native citizen; Her Britannick Majesty engages, notwithstanding the provisions of the above-mentioned Article, not to insist upon the abolition of this distinction, so long as it exists impartially with regard to the subjects or citizens of every other foreign nation.

And His Excellency the President of the Oriental Republick of the Uruguay engages, on his part, that if at any future time, the amount payable by British subjects for such license should be increased, a corresponding increase shall at the same time be made in the sum payable by native citizens of the Republick; so that the proportion between the

ARTICULO ADICIONAL.

Por cuanto, en el Articulo IX del Tratado de Amistad, Comercio, y Navegacion, concluido y firmado en este dia entre Su Majestad Britanica y la Republica Oriental del Uruguay, se estipula que los subditos de Su Majestad Britanica, residentes en la dicha Republica, no serán compelidos á pagar, bajo ningun pretexto, cualesquiera cargas, requisiciones, ó impuestos mayores que los que son, ó puedan ser, pagados por los ciudadanos nativos; y siendo de ley en la Republica Oriental del Uruguay, que un extrangero pague, por la patente para abrir una tienda, ú otro establecimiento de los comprendidos en dicha ley, una cantidad mayor que la pagada por un ciudadano nativo; Su Majestad Britanica se compromete, noobstante las prevenciones del antedicho Articulo, á no exigir la abolicion de esta distincion, con tal que ella subsista imparcialmente con respecto á los subditos ó ciudadados de toda otra nacion extrangera.

Y Su Excelencia el Presidente de la Republica Oriental del Uruguay se compromete, por su parte, á que si en algun tiempo en lo succesivo, la cantidad pagadera por los subditos Britanicos por tal patente fuese aumentada, un aumento correspondiente será al mismo tiempo hecho á la cantidad pagadera por los ciudadanos nativos de la Repu-

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sum payable by British subjects and the sum payable by citizens of the Oriental Republick of the Uruguay, respectively, shall never be altered to the prejudice of British subjects.

The present Additional Article shall have the same force and validity as if it were inserted, word for word, in the Treaty signed this day. It shall be ratified, and the Ratifications shall be exchanged at the same time.

In witness whereof the respective Plenipotentiaries have signed the same, and have affixed thereto their respective Seals.

Done at London, the twenty-sixth day of August, in the year of Our Lord one thousand eight hundred and forty-two.

(L.S.) ABERDEEN.
(L.S.) RIPON.
(L.S.) JOSE ELLAURI.

blica; de modo que la proporcion entre la cantidad pagadera por los subditos Britanicos, y la pagadera por los ciudadanos de la Republica Oriental del Uruguay, respectivamente, nunca será variada en perjuicio de los subditos Britanicos.

El presente Articulo Adicional tendrá la misma fuerza y valor que si hubiera sido insertado, palabra por palabra, en el Tratado de este dia. Será ratificado, y las ratificaciones serán cangeadas al mismo tiempo.

En fé de lo cual los respectivos Plenipotenciarios lo han firmado, y sellado con sus sellos respectivos.

Fecho en Londres, á los veinte y seis dias del mes de Agosto, del año de Nuestro Señor mil ochocientos cuarenta y dos.

(L.S.) ABERDEEN.
(L.S.) RIPON.
(L.S.) JOSE ELLAURI.

SECOND ADDITIONAL ARTICLE.

Whereas a strict and immediate execution of that part of Article VI of the Treaty of Amity, Commerce, and Navigation, signed at London on the 26th of August, 1842, between Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, and the Oriental Republick of the Uruguay, which stipulates that a ship must have been actually built within the territory of the Oriental Republick of the Uruguay, to be considered a ship of that Republick, would, in the present state of Uruguay shipping, deprive the Republick of the full advantage of the reciprocity intended to be established by the Treaty; it is agreed that, for the space of seven years from the date of the exchange of the ratifications of the said Treaty, any ships, wheresoever built, being owned, navigated, and registered in conformity with the provisions of Article VI of the Treaty, shall be considered as ships of the Oriental Republick of the Uruguay: Her Majesty the Queen of the United Kingdom of Great Britain and Ireland reserving to

SEGUNDO ARTICULO ADICIONAL.

Por cuanto la ejecucion estricta é inmediata de la parte del Articulo VI del Tratado de Amistad, Comercio, y Navegacion, firmado en Londres el 26 de Agosto, de 1842, entre Su Majestad la Reina del Reino Unido de la Gran Bretaña é Irlanda, y la Republica Oriental del Uruguay, el que estipula, que todo buque para ser considerado como buque de la Republica Oriental del Uruguay, deberá haber sido precisamente construido en ella, privariá á la Republica, en el estado actual de la marina del Uruguay, de la plena ventaja de la reciprocidad que se ha pretendido establecer por el Tratado; se ha convenido que por el espacio de siete años contados desde la fecha del cange de las ratificaciones del dicho Tratado, todo buque, donde quiera que fuese construido, sea considerado como buque de la Republica Oriental del Uruguay, con solo que su propiedad, su navegacion y registro, sean arregladas á las estipulaciones del Articulo VI del Tratado: reservandose Su Majestad la Reina de la Gran Bretaña é Irlanda el derecho de reclamar, á

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herself the right to claim, at the end of the said term of seven years, the strict enforcement of all the stipulations contained in the said Article of the Treaty, relative to the conditions which are to determine the national character of vessels of the Oriental Republick of the Uruguay.

la conclusion del dicho termino de siete años, el estricto cumplimiento de todas las estipulaciones contenidas en dicho Articulo del Tratado, relativas á las condiciones que deben determinar el caracter nacional de los buques de la Republica Oriental del Uruguay.

The present Additional Article shall have the same force and validity as if it had been inserted, word for word, in the aforesaid Treaty of the 26th of August, 1842. It shall be ratified, and the ratifications shall be exchanged at the same time and place as those of the Treaty.

El presente Articulo Adicional tendrá la misma fuerza y validez, que si hubiese sido inserto, palabra por palabra, en el predicho Tratado de 26 de Agosto de 1842. Será ratificado, y sus ratificaciones cangeadas al mismo tiempo y en el mismo lugar que las del Tratado.

In witness whereof, the undersigned Plenipotentiaries of Her Britannick Majesty, and of the Oriental Republick of the Uruguay, have signed the same, and have affixed thereto the seals of their arms.

En testimonio de lo cual, los infrascriptos Plenipotenciarios de Su Majestad, y de la Republica Oriental del Uruguay, le han firmado, y puesto en él el sello de sus armas.

Done at Montevideo, the eighth day of March, in the year of Our Lord one thousand eight hundred and forty-three.

Fecho en Montevideo, el dia ocho de Marzo, en el año de Nuestro Señor mil ochocientos cuarenta y tres.

(L.S.) J. H. MANDEVILLE.
SANTIAGO VASQUEZ.

(L.S.) SANTIAGO VASQUEZ.
(L.S.) J. H. MANDEVILLE.

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6.	- 9.	Medical Charities (Ireland) - [Mr. French and Lord Marcus Hill.]	Bill for the better Regulation and Support of Medical Charities in Ireland -	III. 383.	
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Sess. N°	Date of Printing.	GENERAL SUBJECT.	NATURE OF THE PARTICULAR PAPER.	Sessional Vol. & Page.	Chap. of Stat. if the Bill passed.
	1843.				6 Vict.
11.	Feb. 9.	Court of Session (Scotland) -	Return of the Number of Causes instituted and decided in the Court of Session in Scotland, 1842; showing the Number of Causes ready for Judgment, but not disposed of, at the last of these Dates - - - - -	XLIX. 119.	
12.	– 10.	Navy - - - -	Estimates for 1843-44 - - -	XXXI. 179.	
13.	– –	Queen Anne's Bounty -	Account of all Monies received and disbursed by the Governor of Queen Anne's Bounty, 1841 - - -	XXX. 605.	
14.	– 13.	Personation of Voters - [Mr. Liddell, Mr. Mackinnon and Lord Harry Vane.]	Bill for the Prevention of the fraudulent Personation of Voters at Elections -	III. 493.	
15.	– –	Army - - - -	Estimates of Effective and Non-effective Services for the Army, 1843-44 -	XXXI. 1.	
16.	– –	Navy - - - -	Number of Men and Boys, including Marines, voted for the Service of the Navy, each Year, 1835-36 to 1842-43; also, Number of Men serving in the Navy, 1840, 1841, 1842 - - -	XXXI. 253.	
17.	– –	Convicts - - - - [Mr. Manners Sutton and Mr. G. W. Hope.]	Bill to amend the Law affecting Transported Convicts, with respect to Pardons and Tickets of Leave - -	IV. 489.	c. 7.
18.	– –	Corn - - - - -	Copies or Extracts of any Communications which have taken place between Her Majesty's Government and the Authorities of Canada, respecting the Duties levied on Wheat imported from the United States into Canada, or from Canada into the United Kingdom, since January 1842 - - - - -	LIII. 267.	
19.	– 14.	Elections - - - -	Mr. Speaker's Warrant for the Appointment of Members to serve on the General Committee of Elections for 1843 - - - - - -	XLIV. 115.	
20.	– –	Dover Harbour - - -	Annual Accounts of the Receipt and Application of the Money received by the Warden and Assistants of the Harbour of Dover, October 1839 to October 1841 - - - - -	XXX. 405.	
21.	– 15.	Exchequer Bills - - [Mr. Chancellor of the Exchequer and Sir G. Clerk.]	Bill to enable Her Majesty to indemnify the Holders of certain Forged Exchequer Bills - - - - -	II. 463.	c. 1.
22.	– –	Promulgation of the Statutes	Copy of the Scheme for the Promulgation of the Statutes, stating the Number sent to each Public Office, County and Borough, and the Number sent to other Persons in England and Wales, 1841 - - - - - -	XLIV. 175.	
23.	– –	Corn - - - - -	Quantities and average Price, each Six Weeks, of Corn sold in all Places included in 5 Vict. c. 14; Quantities and average Price for each Six Weeks, calculated according to the Provisions of 9 Geo. 4, c. 60, of all Corn sold in the Towns specified in that Act -	LIII. 1.	
24.	– –	Mint - - - -	Account of all Supplies remaining in the Mint; of Advances for Purchase of Bullion for Coinage; Sales of Coin; Seignorage arising therefrom; and, Repayments into the Exchequer on account of Advances - - -	XXX. 493.	
25.	– –	Education - - - -	Copies of any Minutes of the Committee of Council of Education passed subsequently to August 1840 - -	XL. 211.	

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	1843.				6 Vict.
26.	Feb. 15.	Copyhold Enfranchisement -	Return of Names of the Commissioners, and the Date of their Appointment under the Copyhold Enfranchisement Act; Amount of Salaries; Names of Persons employed; Number of Copyholds enfranchised since the Commencement of the Commission - -	XXX. 337.	
27.	- -	Ramsgate Harbour - -	Account of the Revenue and Expenditure of the Royal Harbour of Ramsgate Trust, June 1840 to June 1841 -	XXX. 611.	
28.	- 16.	Danish Claims - - -	Copy of any Memorial from the Danish Claimants, presented to the Lords of the Treasury since February last	XXX. 393.	
29.	- -	Ordnance - - - -	Number of Men and Boys voted for the Service of the Ordnance Military Corps, 1835-1842; also, Number of Men actually serving in each Corps, 1840, 1841, 1842 - - - - -	XXXI. 371.	
30.	- 17.	East Indies - - -	Despatch of the Governor-General of India to the Court of Directors, containing a Proclamation respecting the Recovery of the Gates of the Temple of Somnauth; also, Proclamation respecting Evacuation of Affghanistan; Financial Resolutions, 23 June 1842 -	XXXV. 69.	
31.	- -	Affghanistan - - -	Copy of further Papers relating to Military Operations in Affghanistan -	XXXVII. 1.	
32.	- 27.	Oaths - - - -	Bill, intituled, An Act to alter the Hours within which certain Oaths and Declarations are to be made and subscribed in the House of Peers - -	III. 449.	c. 6.
33.	- 17.	Coroners' Inquests - - [Mr. Manners Sutton and Mr. Solicitor-General.]	Bill for the more convenient holding of Coroners' Inquests - - - -	I. 683.	c. 12.
34.	- -	Ordnance - - - -	Estimates of the Office of Ordnance, including Barracks, Surveys of the United Kingdom, Commissariat, and Military and Civil Superannuations, 1843-44 -	XXXI. 337.	
35.	- -	Trade and Navigation -	Accounts relative to Imports and Exports; Duties of Customs; Shipping Inwards and Outwards; British and Foreign and Coasting Trade - -	LII. 1.	
36.	- 20.	St. Asaph and Bangor Dioceses.	Remonstrances made to the Church Commissioners respecting the Union of the Sees of St. Asaph and Bangor, with the Abstraction of Welsh Tithes from those Dioceses; showing from what Bodies or from what Parishes such Remonstrances have emanated - -	XL. 121.	
37.	- -	Church Establishment (Wales)	Petition of certain of the Clergy of North Wales serving in the Archdeaconry of Merioneth, and others, with reference to the Measures which have recently passed the Legislature, or which are now pending before the House of Commons, affecting the Church - -	XL. 103.	
38.	- -	Evidence - - - -	Bill, intituled, An Act for improving the Law of Evidence - - -	II. 455.	c. 85.
39.	- -	Registration of Voters - [Sir James Graham, Mr. Attorney-General and Mr. Solicitor-General.]	Bill to amend the Law for the Registration of Persons entitled to vote, and to define certain Rights of voting, and to regulate certain Proceedings in the Election of Members to serve in Parliament for England and Wales -	IV. 1.	c. 18.

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	1843.				6 VICT.
40.	Feb. 20.	Coals - - - - [Sir George Clerk and Mr. W. Gladstone.]	Bill to discontinue certain Actions under the Provisions of an Act 2 Will. 4, for regulating the Vend and Delivery of Coals in the Cities of London and Westminster, and in certain Parts of the adjacent Counties - - -	I. 485.	c. 2.
41.	- -	Turnpike Acts - - - [Mr. Manners Sutton, Mr. Attorney-General and Mr. Solicitor-General.]	Bill to continue Local Turnpike Acts, and to amend the Laws relating to Turnpike Roads in England and Wales - - - - - - -	IV. 495.	
42.	- -	Mr. Fitzjames - - -	Copies of the Correspondence that has taken place between the Secretary of State and the Magistrates of Dover respecting Mr. Fitzjames - - -	XLIII. 439.	
43.	- -	Navy - - - - -	Number of Men and Boys, including Royal Marines, voted for the Service of the Navy, 1835-36, 1842-43; Number of Men actually serving in the Navy, 5 April 1840, 1841, 1842 -	XXXI. 255.	
44.	- 21.	Lunatic Asylums - - [Mr. Wilson Patten and Mr. G. W. Wood.]	Bill to extend the Powers of an Act 9 Geo. 4, relating to County Lunatic Asylums in England, and to authorize the Inclosure and Appropriation of Waste Lands for the use of each Asylum - - - - - - -	III. 353.	
45.	- -	Excise and Customs - -	Quantities of, and Amount of Duty received from, several Articles liable to Excise Duties, 1840, 1841, 1842; distinguishing England, Scotland and Ireland; Comparative Statement of the Consumption of imported Commodities, and of the Receipt of Customs Duties thereon, for similar Periods - - - - - - -	XXX. 415.	
46.	- -	Bank of England - -	Quarterly Averages of Weekly Liabilities and Assets from the London Gazette, 1841-1842; Notes in Circulation of all Banks of Issue; Bullion in the Bank each Month, 1842 to the present Time - - - - - -	XXX. 291.	
47.	- -	Exchequer Bills (Public Works.)	Names of Commissioners; Expenses of the Board; Amount allotted for Distribution and remaining unappropriated; Amounts advanced to Borrowers and contracted to be advanced; Total of Principal and Interest received and returned into the Exchequer; General Statement of Transactions of the Commissioners from their Appointment - - - - - -	XXX. 153.	
48.	- -	Gaols - - - - -	Copies of all Reports and of Schedule (B.) transmitted to Secretary of State for Home Department, &c. - -	XLIII. 1.	
49.	- 23.	Justices of the Peace (Ireland) [Lord Eliot and Sir James Graham.]	Bill to empower Justices of the Peace in Ireland to act in certain Cases relating to Rates to which they are chargeable - - - - - - -	III. 177.	c. 8.
50.	- -	Naturalization - - - [Mr. Hutt and Mr. Serjeant Stock.]	Bill for enabling Her Majesty, under certain Regulations, and with certain Restrictions, to grant to Foreigners the Rights and Privileges of British Subjects - - - - - - -	II. 709.	

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	1843.				6 Vict.
51.	Feb. 23.	Apprehension of Offenders - [Mr. Solicitor-General Mr. Attorney-General and Sir James Graham.]	Bill to provide for the Apprehension, in the United Kingdom, of Persons charged with having committed Offences in other Parts of Her Majesty's Dominions, and for the Apprehension, in other Parts of Her Majesty's Dominions, of Persons charged with having committed Offences in the United Kingdom, and in other Parts of Her Majesty's Dominions - - -	I. 87.	c. 34.
52.	- -	Punishment of Death - - [Mr. Solicitor-General, Sir James Graham and Mr. Attorney-General.]	Bill for removing Doubts as to the Punishment which may be awarded under the Provisions of an Act 4 & 5 Vict., for taking away the Punishment of Death in certain Cases, for certain Offences therein specified - -	II. 1.	c. 10.
53.	- -	Army - - - -	Number of Men voted for the Army, 1835-36, 1842-43, distinguishing the Number serving in India; also, Number of Men actually serving in the Army, 1840, 1841, 1842 - - - -	XXXI. 143.	
54.	- 27.	Pawnbroking (Ireland) - [Lord Eliot and Sir James Graham.]	Bill to amend the Laws relating to Pawnbroking in Ireland - - - -	III. 461.	
55.	- -	Divisions (House of Commons)	Number of Divisions, 1842; Subject of Division - - - - - -	XLIV. 3.	
56.	- -	Liverpool Theatre - -	Memorial from the Inhabitants of Liverpool for a second License for Theatrical Representations in the Town; Correspondence thereon; Copies of any Warrant issued, cancelled or made out by Order of the Lord Chamberlain for a License for a second Theatre -	XLIV. 161.	
57.	- -	William Mason - - -	Copy of the Correspondence that has passed since August last between the Secretary of State for the Home Department and other Persons, relative to the Treatment of W. Mason, a Prisoner in Stafford Gaol - - -	XLIII. 443.	
58.	- -	Probates of Wills - -	Probate and Administration Stamps sold in England and Wales, 1839-41, distinguishing each Kind, and the Total Number for Estates under and over 300 *l.*; also, Total Number of Copies of Wills and Extracts of Administrations sent to the Legacy Duty Office, in each Year - - - - -	XXX. 603.	
59.	- -	Private Bills - - -	List for Committees on Private Bills -	XLIV. 15.	
60.	- 28.	Bankrupts (Ireland) - - [Sir James Graham and Lord Eliot.]	Bill for the better Protection of Purchasers against Judgments, Crown Debts, Lis Pendens and Commissions of Bankruptcy in Ireland; and for amending the Laws in Ireland respecting Bankrupts, and the Limitation of Actions - - - - - -	I. 267.	
61.	- -	Dogs - - - - [Mr. East and Sir R. H. Inglis.]	Bill to prohibit the use of Dogs as Beasts of Draught or Burthen in England and Ireland - - - - - -	II. 17.	
62.	- -	Dublin and Kingstown Railway.	Copies of Correspondence and Papers relating to the Affairs of the Dublin and Kingstown Railway Company -	L. 197.	

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	1843.				6 VICT.
63.	Feb. 28.	Workhouse Offences - -	Number, Names and Ages of all Persons committed to any Prison in England and Wales, for any Offence in a Union Workhouse, under the Poor Law Act; Nature of Offence, Period of Punishment, and Population of each Union; Offences in Workhouses of Parishes and Unions governed under Local Acts	XLV. 343.	
63. II.	- -	Ditto - - - -	Abstract of the above Return - -	XLV. 361.	
64.	-	Chancery - - - -	Return from Accountant-General, pursuant to 5 Vict., showing the State of the several Funds in his Name, called "The Suitors' Fund, and the Suitors' Fee Fund," and the Charges upon the same respectively - - - -	XLIV. 153.	
65.	Mar. 1.	Belper and Derby Union Workhouses.	Copy of the Diet Table in use at the Belper Union Workhouse, and at the Derby Union Workhouse, on the 31st January last - - - - -	XLV. 207.	
66.	- -	Factories Act - - -	Number and Names of Persons summoned for Offences against the Factories Act, 1842; specifying Date of Conviction or Hearing, the Place of Hearing, by whom each Conviction was made, the Offence in each Case, and the Manner in which Penalties and Costs were appropriated - - - - -	XLII. 283.	
67.	- -	Elections - - - -	Accounts of Expenses incurred by Returning Officers at Elections for Boroughs and Cities in England, during June and July 1841, and charged to Candidates, or to the Electors who had nominated Candidates - - -	XLIV. 117.	
68.	- 3.	Turnpike Acts (Ireland) - [Lord Eliot and Sir James Graham.]	Bill to continue the several Acts for regulating Turnpike Roads in Ireland -	IV. 541.	c. 21.
69.	- -	Sycee Silver - - -	Quantity of Sycee Silver, and other Silver, imported from China in the Conway; Dates of Delivery at the Mint; Sales and Amounts, Price sold at, Gross Charge for melting; Weight of Gold extracted, Commission for superintending; Loss or Gain to the State by sending the Silver to Mint, or selling in the Market - - - -	XXX. 713.	
70.	- 6.	Health of Towns - - [Mr. Mackinnon, Mr. Beckett, Mr. Cowper and Mr. Hume.]	Bill for the Improvement of Health in Towns, by removing the Interment of the Dead from their Precincts - -	III. 103.	
71.	- -	Dublin, Applotment of Rates [Lord Eliot and Sir James Graham.]	Bill for the more equal Applotment of certain Rates in the County of the City of Dublin and County of Dublin respectively - - - - - -	II. 209.	L & P. c. cii.
72.	- -	Railway Mails - - -	Sums paid annually for the Salary, Conveyance and other Charges of the Mail Guards, upon each Railway in the United Kingdom; also, Sums paid to each Railway Company for the Conveyance of the Mails - - -	LIII. 347.	
73.	- -	Post Office - - -	Returns of Amount of Gold, Bank Notes and other Valuables contained in Money Letters consigned to the Dead-Letter Offices; Money Orders issued, and Cost of Money-Order Offices -	LIII. 301.	

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	1843.				6 Vict.
74.	Mar. 6.	Shipping - - - -	Returns of Shipping Registered and Entered and Cleared at the several Ports of the Isle of Man, and of Colonies, 1841; also, of Ships Built and Registered at each Port of the Colonies, 1821–1841 -	LII. 367.	
75.	– –	Spirits (Ireland) - - -	Number of Gallons of Spirits taken out for Home Consumption in Ireland, 1840, 1841, 1842; Detections and Prosecutions, Convictions and Acquittals; Number confined in Gaols for Offences, &c.; Seizures by Revenue Police - - - - - -	LI. 347.	
76.	– –	Shannon Navigation - -	Fourth Annual Report of the Commissioners for the Improvement of the Navigation of the River Shannon -	XXVIII. 253.	
77.	– –	Duchy of Cornwall and Lancaster.	Gross and Net Revenue of the Duchy of Cornwall, 1840–41; Amount of Revenue, and Monies received and paid, &c. also, Gross and Net Revenue of the Duchy of Lancaster for the same Periods	XXX. 339.	
78.	– –	Ecclesiastical Inquiry - -	Monies received by Commissioners for carrying into effect, with Modifications, the Fourth Report of Commissioners of Ecclesiastical Duties and Revenues, stating Sums received, and from what Source; also, Payments made by Commissioners - - - - -	XL. 203.	
79.	– –	Northern Lighthouses - -	Abstracts of the Receipts and Payments on account of the Duties levied by the Northern Lighthouses - - -	LII. 285.	
80.	– –	Tithe Commutation - -	Return of all Agreements and of all Awards for the Commutation of Tithes which have been confirmed by the Tithe Commissioners in England and Wales; also, of all Apportionments confirmed, 1842–43 - - - -	XL. 33.	
81.	– –	East Indies - - -	Copy of any Order by the Governor-General of India for the Troops to escort the Gates of the Temple of Somnauth - - - - -	XXXV. 79.	
82.	– 7.	Factories - - - - [Sir J. Graham and Mr. Manners Sutton.]	Bill for regulating the Employment of Children and Young Persons in Factories, and for the better Education of Children in Factory Districts -	II. 495.	
83.	– –	Niger Expedition - -	Mortality which occurred on board the Ships sent to explore the Niger; specifying those who have died since the Return of the Expedition from the Effects of Disease contracted during its Progress - - - - -	XXXI. 335.	
84.	– –	Ships "Abercrombie Robinson" and "Waterloo."	Letters and Documents respecting the Loss of the "Abercrombie Robinson" Transport, and the "Waterloo" Convict Ship - - - - -	LII. 411.	
85.	– 8.	Private and Joint Stock Banks	Number of Private and Joint Stock Banks registered, 1820–1842; Joint Stock Banks existing in England and Wales, 1840; specifying Names and Dates of Establishment; Number of Branches; Number of Partners, 1840, 1841, 1842; distinguishing Banks issuing and not issuing Notes - -	LII. 9.	

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	1843.				6 VICT.
86.	Mar. 11.	Illegitimate Children - -	Return of Illegitimate Children whose Baptisms were registered by the Clergymen in the several Parishes of Lancashire, Yorkshire, Norfolk, Surrey, and Herefordshire Union, Years between 1831–1841 - - - -	XLV. 109.	
87.	- -	East Indies - - -	Account of Monies supplied from the Revenues of India towards the Payment of Expenses in England chargeable thereon; of Bills drawn on the Government of India - - -	XXXV. 1.	
88.	- -	Wills - - - -	Statement of the Number of Wills and Administrations proved, 1834, 1835 and 1836, in the several Provincial, Diocesan and Archidiaconal Courts of England and Wales; distinguishing those proved under £. 20 - - -	XL. 205.	
89.	- 13.	Exchequer Bills - - -	Account of all Exchequer Bills raised or authorized to be raised, charged on the Aids or Supplies, 1843, unprovided for - - - - -	XXX. 151.	
90.	- -	Emigration - - -	Number of Emigrants who have embarked from the various Ports of the United Kingdom, 1842; showing to what Parts of the World they have emigrated; Number assisted by the Poor Rate, or by Commissioners of Land and Emigration; Land sold by Commissioners; Price obtained; Purposes to which applied; showing Number of Males, Females and Children	XXXIV. 1.	
91. I.	- -	Estimates - - - -	I. Miscellaneous Services - - -	XXXI. 383.	
91. II.	- -	Estimates - - - -	II. Miscellaneous Services - - -	XXXI. 397.	
91. III.	- -	Estimates - - - -	III. Miscellaneous Services - - -	XXXI. 417.	
91. IV.	- -	Estimates - - - -	IV. Miscellaneous Services - - -	XXXI. 431.	
91. V.	- -	Estimates - - - -	V. Miscellaneous Services - - -	XXXI. 447.	
91. VI.	- -	Estimates - - - -	VI. Miscellaneous Services - - -	XXXI. 465.	
91. VII.	- -	Estimates - - - -	VII. Miscellaneous Services - - -	XXXI. 499.	
92.	- 14.	Commissariat - - -	Estimate of Sum required for Pay, Allowances, &c., of the Commissariat Department at Home and Abroad, and Inland Water Transport, Freight of Specie, and Miscellaneous Purchases in 1843-44; Statement of the Amount required for similar Services, 1842-43; Estimate of Sum required for Half-Pay of Commissariat Officers, and for Retired Allowances, in 1843-44 -	XXXI. 103.	
93.	- -	Civil Contingencies - -	Account of the Sum expended under the head of Civil Contingencies in 1842, and an Estimate of the Amount required for 1843 - - - -	XXXI. 517.	
94.	- -	Coast of Africa and Falkland Islands. [Mr. G. W. Hope, Lord Stanley and Mr. Solicitor-General.]	Bill to enable Her Majesty to provide for the Government of Her Settlements on the Coast of Africa, and in the Falkland Islands - - -	I. 63.	c. 13.
95.	- -	East India - - - -	Number of Appointments made by the Court of Directors of the East India Company in their various Establishments in each Presidency, 1834–35 and 1841–42; distinguishing each Class and each Presidency - - - -	XXXV. 11.	

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96.	1843. Mar. 14.	Staffordshire Magistrates -	Copies of Affidavits filed in the Court of Queen's Bench at the Instance of Arthur O'Neil, for a Criminal Information against T. Badger and Richard Cartwright; also, Copies of several Affidavits in Answer to such Application, with a Copy of the Judgment of the Court thereon, as read by the Lord Chief Justice - - - - -	XLIV. 195.	6 Vict.
97.	- -	Corn - - - - -	Total Quantities of Foreign and Colonial Grain and Flour; distinguishing each Sort entered for Home Consumption at each Rate of Duty, 1841–1842 -	LIII. 3.	
98.	- -	Newspaper and Advertisement Duty.	Number of Stamps issued to, and the Amount of Advertisement Duty paid by, each of the Newspapers of the United Kingdom, 1842 - - -	XXX. 513.	
99.	- -	Loan Societies - - -	Abstract of Accounts of Loan Societies in England and Wales to 31st December 1842 - - - - -	XXX. 481.	
100.	- -	Pentonville Prison and Milbank Penitentiary.	Abstracts of Returns relating to Prisoners confined in the New Prison at Pentonville and in the Penitentiary at Milbank - - - - - -	XLIII. 497.	
101.	- 15.	Drainage - - - - [Mr. Pusey, Lord Worsley and Sir John Trollope.]	Bill to facilitate the Drainage of Lands in England and Wales - - -	II. 23.	
102.	- -	Yeomanry - - - -	Return of the Number of Troops or Corps or Regiments of Effective Yeomanry of Great Britain, including those serving gratuitously, according to the last Muster Roll or Return - - -	XXXI. 175.	
103.	- 16.	Penitentiary (Milbank) -	Report of the Committee of the General Penitentiary at Milbank for the Reception of Convicts; State of Building, Conduct of Officers, Treatment of Prisoners, Expense of Establishment, 1842 - - - - -	XLIII. 491.	
104.	- -	Ecclesiastical Commission -	Copies of Orders in Council, issued 1842, approving Schemes of the Ecclesiastical Commissioners for England, under various Acts - - - - -	XL. 143.	
105.	- -	Committals (Ireland) - -	Return from the Clerks of the Crown and Clerks of the Peace for the several Counties, &c., in Ireland, of the Number of Persons committed to the different Gaols thereof for Trial, 1842 -	XLII. 181.	
106.	- -	British Museum - - -	Income and Expenditure of the British Museum, 1841; Estimated Charge and Expense, 1843–44; Number of Persons admitted to visit the Museum, 1841; Progress of Arrangement in Collections, &c. - - - -	XXX. 307.	
107.	- -	Commissariat - - -	Account of the Receipt and Expenditure for Commissariat Services, 1841–42 -	XXXI. 139.	
108.	- 17.	Attornies and Solicitors -	Bill, intituled, An Act for consolidating and amending several of the Laws relating to Attornies and Solicitors practising in England and Wales - -	I. 205.	c. 73.
109.	- -	Emigration - - -	Copy of any Report or Reports made since the last presented to this House, by the Emigration Agents of Canada, New Brunswick and New South Wales to the Governors of those Provinces -	XXXIV. 9.	

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	1843.				6 Vict.
110.	Mar. 20.	Public Accounts - -	Return from the Commissioners of Audit; stating the Date of the last Account of each Department audited by them, and the Reasons why Delay, if any, took place in the Audit of the several Accounts in Arrear - -	XXX. 295.	
111.	- -	Legacy Duty - - -	Return of the Capital on which Legacy Duty has been paid, and Amount of Revenue received in the United Kingdom for Stamp Duty on Legacies, 1842	XXX. 475.	
112.		Gold and Silver - - -	Amount of Gold and Silver Bullion or Coin exported from Great Britain, 1837–1842; distinguishing the Countries to which such Exportation has taken place, and distinguishing British from Foreign Coins - - - - -	XXX. 441.	
113.	- -	Convicts - - - -	Two Reports of J. H. Capper, Superintendent of Ships and Vessels employed for the Confinement of Offenders under Sentence of Transportation - -	XLII. 337.	
114.	- -	Acts of Parliament - -	Number of Acts of Parliament, Public and Local and Personal, 1834–1842; distinguishing the Public from the Local and Personal, and showing the Number of each Class passed in each Year for each Part of the United Kingdom, &c. - - - - - -	XLIV. 151.	
115	- 21.	Paisley Distress - - -	Report from the Select Committee appointed to inquire into the Treatment of the Unemployed and Destitute Inhabitants of Paisley since 1841; together with the Minutes of Evidence taken before them - - - -	VII. 1.	
116.	- -	Corporations - - - [Lord John Russell and Mr. Baring.]	Bill for dissolving certain Corporations and regulating certain Municipal Corporations in England - - -	I. 705.	
117.	- -	Highland Roads and Bridges	Twenty-ninth Report of Commissioners for maintaining and keeping in Repair certain Roads and Bridges in Scotland, and for Regulation of Ferries in Scotland - - - - -	XXIX. 353.	
118.	- -	Wine - - - -	Number of Gallons of Portugal Wine upon which Duty has been paid in 1839–1842; Amount of Duty paid thereon, distinguishing each Year; similar Account of the Quantity exported for Drawback during the same Periods, Rate and Amount each Year	LII. 337.	
119.	- 22.	Post Office - - -	Copies of any Correspondence which may have taken place relative to Mr. Rowland Hill's Appointment to, and Removal from, the Situation recently filled by him in Connexion with the Post Office - - - - -	LIII. 305.	
120.	- -	Finance - - - -	I. to VIII.—The Finance Accounts of the United Kingdom of Great Britain and Ireland, 1842 - - - - -	XXX. 1.	
121.	- -	Shipping (Isle of Man) -	Account of the Number and Tonnage of Vessels built in the Isle of Man, 1833–1842 - - - - -	LII. 409.	
122.	- 23.	Public Offices - - -	Abstract of Accounts of every Increase and Diminution of Salary and Officers which has taken place in 1842, in all Public Offices and Departments, pursuant to 4 & 5 Will. 4, c. 24 - -	XXX. 595.	

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	1843.				6 Vict.
123.	Mar. 23.	Superannuations - -	Account of Allowances or Compensations granted as Retired Allowances or Superannuations in all Public Offices or Departments which remained payable January 1842; Annual Amount granted 1842; Annual Amount which ceased; Total Amount remaining payable 31 December 1842 - - -	XXX. 665.	
124.	- -	Public Debt - - -	Additions which have been made to the Annual Charge of the Public Debt by the Interest of any Loan, 1833–1842; showing how the Charge incurred in respect of the same has been provided for - - - - - - -	XXX. 279.	
125.	- -	Houses of Parliament -	Account of the Total Amount voted for the Building of the New Houses of Parliament; stating the Date of the several Votes, Amount voted, and whether expended or not; Estimate of further Sums required to complete the Buildings - - - - -	XXX. 455.	
126.	- -	Knutsford House of Correction.	Report of the Inspector of Prisons for the Northern District, on the Inquiry into the Treatment of Prisoners in the House of Correction at Knutsford, with the Evidence and Proceedings -	XLIII. 325.	
127.	- -	Slave Trade - - - [Sir George Clerk and Mr. Chancellor of the Exchequer.]	Bill for carrying into Effect a Treaty between Her Majesty and the Republic of Bolivia, for the Abolition of the Slave Trade - - - -	IV. 307.	c. 14.
128.	- -	Slave Trade - - - [Sir George Clerk and Mr. Chancellor of the Exchequer.]	Bill for carrying into Effect a Treaty between Her Majesty and the Oriental Republic of the Uruguay, for the Abolition of the Slave Trade - - -	IV. 335.	c. 16.
129.	- -	Slave Trade - - - [Sir George Clerk and Mr. Chancellor of the Exchequer.]	Bill for carrying into Effect the Treaty between Her Majesty and the Republic of Texas, for the Suppression of the African Slave Trade - - -	IV. 373.	c. 15.
130.	- 24.	Nottingham Election - -	Minutes of Evidence taken before the Select Committee on the Nottingham Town Election Petition - - -	VI. 223.	
131.	- -	Players of Interludes - - [Mr. Thomas Duncombe, Mr. Ewart and Captain Polhill.]	Bill to repeal Parts of 10 Geo. 2, c. 28, and to amend an Act, 12 Anne, for more effectually punishing Rogues, Vagabonds, Sturdy Beggars and Vagrants, and sending them whither they ought to be sent, as relates to Common Players of Interludes, and to make other Provisions in lieu thereof -	III. 497.	
132.	- -	Ecclesiastical Courts - -	The Special and General Reports made to His Majesty by the Commissioners appointed to inquire into the Practice and Jurisdiction of the Ecclesiastical Courts in England and Wales. (Reprint from 1832) - - - -	XIX. 289.	
133.	- -	Admiralty Courts - -	Report from the Select Committee appointed to inquire into the Office and Duties, Appointment, Salary, &c. of the Judges of the Admiralty Court, Consistory Court, &c. 1833. (Reprinted)	V. 1.	
134.	- -	New Zealand - - -	Copies or Extracts of any Correspondence relative to the New Zealand Estimates - - - - - -	XXXIII. 269.	
135.	- -	Hops.—Malt.—Brewers -	Account relating to Hops and Malt, and to the Number of Persons licensed as Brewers, Victuallers, &c., 1841–42 -	LII. 193.	

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	1843.				6 VICT.
136.	Mar. 24.	West India Colonies - -	Number of Immigrants into the British West India Colonies and British Guiana from August 1834, and for all Votes of Money for Purposes of Immigration, and Annual Expenditure of the same, for the like period - - - -	XXXIII. 215.	
137.	- -	Ecclesiastical Commission (Ireland).	Annual Report of the Ecclesiastical Commissioners of Ireland to the Lord Lieutenant - - - - -	XXVIII. 7.	
138.	- -	Registration of Voters - [Sir James Graham, Mr. Attorney-General and Mr. Solicitor-General.]	Bill [as amended by the Committee, and on Re-commitment] - - - -	IV. 53.	c. 18.
139.	- 27.	Metropolis Improvement -	Copy of Commission for inquiring into and considering the most effectual Means of improving the Metropolis, and of providing increased Facilities of Communication within the same -	XLVIII. 35.	
140.	- -	Army - - - -	Return of the Number of Officers and Men serving in Great Britain and Ireland, and in the Colonies, 1792, 1822, 1828, 1830, 1835 and 1840 -	XXXI. 145.	
141.	- -	Port Essington - - -	Copies or Extracts of any Correspondence relative to the Establishment of a Settlement at Port Essington - -	XXXIII. 161.	
142.	- -	St. Kitts - - - -	Copy of Correspondence relative to the Conduct of the Lieutenant-Governor of St. Kitts - - - - -	XXXIII. 101.	
143.	- -	Halifax Union - - -	Minutes and Proceedings adopted at the Halifax Union, 1st March; also, Copy of any Resolution for the Erection of a Mill within the Workhouse; Report of Mr. Clements upon Inmates of the Skipton Workhouse sent to a Factory	XLV. 227.	
144.	- -	Poor Law - - - -	Sum expended in every Union, 1841, 1842; specifying Sum expended in Salaries, in In-door Relief, in Out-door Relief, and Aggregate Amount; Number of Persons who received In-door Relief and Out-door Relief during that Period - - - - - -	XLV. 5.	
145.	- -	Isle of Man - - -	Amount of Duties levied on Imports into the Isle of Man, distinguishing British from Foreign, and specifying the various Articles on which the said Duties have been raised, 1840, 1842 - -	LII. 207.	
146.	- -	Grand Jury Presentments (Ireland).	Abstracts of the Accounts of Presentments made by the Grand Juries of the several Counties, Cities and Towns in Ireland in the Year 1842 - -	L. 337.	
147.	- 30.	Ecclesiastical Courts Bill -	Comparative Statement of the Charge on the Public under the existing System and under the System proposed by the Ecclesiastical Courts Bill - -	XXX. 409.	
148.	- -	Coolies - - - -	Copy of the Regulations made and Orders issued by the Government of Bengal for the Protection of Coolies proceeding to and from the Mauritius, or any other Place - - - - -	XXXV. 127.	
149.	- -	Marriages and Divorces - [Mr. Elphinstone and Mr. Aglionby.]	Bill for establishing a Court for Marriages and Divorces - - - - -	III. 371.	

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	1843.				6 Vict.
150.	Mar. 30.	Corn-laden Ships - -	Number of Ships laden with Foreign Corn, entered Inwards, at Ports of the United Kingdom, 1842; specifying the Kinds and Quantities of Corn, the Ports of Lading and the Ports of Discharge, and whether in Ships of United Kingdom or any other Nation - - -	LIII. 97.	
151.	– –	Railways - - - -	Return of the Amount of Monies levied and paid annually by each Railroad Company, under the head of Duty on Passengers, 1832–1842 - - -	XXX. 607.	
152.	– 31.	Dock-yards - - - [Mr. Sidney Herbert and Captain Gordon.]	Bill to enable Her Majesty to acquire Lands for the Enlargement of Her Majesty's Dock-yards, and for other Naval Purposes - - -	I. 1.	c. 58.
153.	– –	Ecclesiastical Courts Bill -	Report from the Select Committee of the House of Lords, on the Petitions touching the Ecclesiastical Courts Consolidation Bill - - - -	XI. 29.	
154.	– –	Bishop of Jerusalem - -	Detailed Statement of the Expenses of the Passage of the Bishop of Jerusalem and Suite to Jaffa, in Her Majesty's Steam-vessel "Devastation"	XXX. 457.	
155.	– –	Commissariat - - -	Abstracts of the Accounts of Commissariat Officers abroad; of the Receipts into, and Payments from, the several Commissariat Chests, 1841–42 - -	XXXI. 111.	
156.	– –	Assay Office - - -	Return, showing the Places in Great Britain at which Offices are established for assaying Gold and Silver Plate, with Amount of Duty paid by each, 1837–1842 - - - - -	XXX. 303.	
157.	– –	Vaccine Institution - -	Copy of the last Report of the Members of the National Vaccine Board to Her Majesty's Principal Secretary of State for the Home Department - -	XLVIII. 465.	
158.	April 3.	Convict Discipline - -	Copies or Extracts of any Correspondence between the Secretary of State and the Governor of Van Diemen's Land on the Subject of Convict Discipline; (Part I.) - - - -	XLII. 353.	
159.	– –	Convict Discipline and Estimates.	Copies or Extracts of any Correspondence between the Secretary of State and Governor of Van Diemen's Land on the Subject of Convict Discipline; also, Copies or Extracts relating to Convict Estimates; (Part II.) - -	XLII. 451.	
160.	– –	Falkland Islands - -	Copies or Extracts of Correspondence relative to the Falkland Islands since August 1841 - - - - -	XXXIII. 1.	
161.	– –	Law Courts, (Dublin) - -	Return of the Number of Judgments entered in the three Law Courts, Dublin, from 1st June 1841 to 1st June 1842, for Recovery of Debts under £. 20; Sums paid as Salaries to Judges' Registrars; Number of Records issued; Stamp or Law Fund Duty received; Expense of ingrossing Records, &c.	L. 355.	
162.	– –	Army - - - -	Return of Officers who have been allowed to receive their Half-pay since April 1842, under the Provision of 3 & 4 Vict., c. 112 - - - - -	XXXI. 151.	

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	1843.				6 VICT.
163.	April 4.	St. James's Improvement - [Earl of Lincoln and Sir T. Fremantle.]	Bill to empower the Commissioners of Her Majesty's Woods to appropriate to Building Purposes the Area of Thatched House-court, and to widen and improve Little St. James's-street, Westminster - - - - -	III. 171.	c. 19.
164.	- -	Testimony in Colonies - [Lord Stanley, Mr. Attorney-General and Mr. Solicitor-General.]	Bill to authorize the Legislatures of certain of Her Majesty's Colonies to pass Laws for the Admission, in certain Cases, of unsworn Testimony in Civil and Criminal Proceedings - -	IV. 477.	c. 22.
165.	- -	National Debt - - -	Account of the Gross Amount of all Bank Annuities and Long Annuities transferred, and Money paid to the Commissioners for the Reduction of the National Debt, and Expenses incurred	XXX. 285.	
166.	- -	Convict Ships - - -	Return of hired Convict Ships and Transports that have foundered at Sea since 1816; also, Number of Ships of War and Government Packets which have been lost during the same Period -	LII. 427.	
167.	- -	Salted Provisions - -	Copy of any Letter from the Treasury to the Board of Customs on 6th March, relating to the Admission of Salted Provisions at the Colonial Duty -	LII. 291.	
168.	- 5.	Navy - - - - -	Ships of the Royal Navy of all Classes in Ordinary, December 1842; Classes of Ships in Commission, December 1842; Number of Officers and Men allowed in each Class in the Complements of the Ships - - - -	XXXI. 257.	
169.	- 7.	Special Commission - -	Expenses incurred during the late Special Commission, for which £. 15,000 is estimated to be required in the Estimates; distinguishing Amount incurred at Stafford, Chester and Liverpool; Expenses of Judges, &c. -	XXX. 653.	
170.	- -	Corporations (Ireland) - [Lord Eliot and Sir James Graham.]	Bill to amend an Act 3 & 4 Vict. for the Regulation of Municipal Corporations in Ireland - - - - -	I. 747.	c. 93.
171.	- -	Convict Discipline - -	Copy of a Letter addressed by Sir James Graham, Bart., to the Committee of Visitors of Parkhurst Prison; (Appendix to Part I.) - - - -	XLII 447.	
172.	- -	Poor Laws - - -	Copy of Instruction of the Poor Law Commissioners to their Assistant Commissioners, to inquire into the State of the Gilbert Acts in Corporations, dated December 1842; and Reports of the Assistant Commissioners made in pursuance of those Instructions -	XLV. 33.	
173.	- -	Glass - - - - -	Quantities of Glass imported into the United Kingdom, of Foreign Glass on which Duty was paid for Home use, and of Foreign Glass exported, during 1842; also, of Foreign Glass remaining in Bond - - - - -	XXX. 435.	
174.	- -	Newspaper Stamps - -	Return of the Number of Stamps issued to each Newspaper of the United Kingdom, and the Amount of Advertisement Duty paid by each, 1840-1842.	XXX. 537.	
175.	- -	Malt.—Beer.—Quassia -	Quantity of Malt used in the Distilleries, 1841-1842; of the Number of Barrels of Beer exported to Foreign Countries, distinguishing each Country, 1841-1842; Quantity of Quassia imported, 1841-1842, distinguishing each Year	LII. 229.	

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	1843.				6 Vict.
176.	Apr. 7.	Corn - - - -	Account of the average Rates of Duty paid upon all Canadian Wheat imported into Great Britain in each Year, 1838–1842, with the average Rate of Duty paid upon the same, during Five Years ending 5 January 1843 - -	LIII. 295.	
177.	- -	Corn - - - -	Returns relating to the Importation and Exportation of Corn, Foreign and Colonial; Annual and Weekly Average Price of Wheat and other Grain; Quantities Imported; Amount of Duty received, &c. - - - - -	LIII. 9.	
178.	- -	Education - - - -	Return of the Sums expended for Education in each County in England and Wales - - - - - -	XL. 527.	
179.	- -	Bank of Asia - - -	Copy of any Despatches, 1841, relative to the Incorporation of a Public Bank in London, together with all the Correspondence between the Projectors of the said Bank and the Boards of Trade and Control and the East India Company, relating to the projected Bank of Asia - - - - - -	XXXV. 85.	
180.	- 10.	Charitable Trusts - - [Sir George Grey and Lord John Russell.]	Bill for the better Application of certain Charitable Trusts for the Purposes of Education - - - - -	I. 429.	
181.	- -	Buildings - - - - [Earl of Lincoln and Sir J. Graham.]	Bill for the better Regulation of the Buildings of the Metropolitan Districts, and to provide for the Drainage thereof - - - - - -	I. 289.	
182.	- -	Poor Law - - - -	Return of the Name of each Union in England and Wales, according to the Districts of the Assistant Commissioners; with the Name of each Assistant Commissioner, the Number of Parishes in each Union, Area and Population, Salaries, &c. - - -	XLV. 95.	
183.	- -	Constabulary - - -	Statement of the Amount of Constabulary Force in each County, County of a City, and County of a Town in Ireland, January 1843 - - -	L. 89.	
184.	- -	Assessed Taxes - - -	Total Number of Compositions for Assessed Taxes, renewed under 5 & 6 Vict. c. 37, and of Amount of the same; also, Number of Notices for a Discontinuance of Compositions, and of their Amount - - - - - -	XXX. 305.	
185.	- 11.	Woollen Rags - - -	Account of the Quantity of Woollen Rags imported yearly since 1828; and, so far as can be stated, its proportional Application to Manufacture and Agriculture - - - -	LII. 357.	
186.	- -	Cinnamon - - - -	Amount of Revenue received in the Island of Ceylon from the Sale or Export Duty on Cinnamon, 1830–1843; Amount exported each Year; Alterations that have been made in the Export Duty on Cinnamon in Ceylon, during the same Period -	LII. 29.	
187.	- -	Public Walks - - -	Return of the Manner in which £. 10,000, voted for Public Walks, 1840, was expended - - - - -	XXX. 727.	
188.	- -	Pound Breach and Rescue -	Bill, intituled, An Act to amend the Law relating to Pound Breach and Rescue in certain Cases - - -	III. 515.	c. 30.

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	1843.				6 Vict.
189.	Apr. 11.	St. Asaph and Bangor Dioceses	Return of each Benefice within the respective Dioceses of St. Asaph and Bangor; Name of Incumbent; Population; Number of Churches and Chapels; Services performed in each; Number of Curates employed; annual Income of each Benefice upon which the Incumbent is Non-resident - -	XL. 113.	
190.	- -	Coinage - - - -	Account, in detail, of the Application of the Sum of £. 32,200, voted in the Miscellaneous Estimates for the Service of the Mint, 1842-43 - -	XXX. 333.	
191.	- -	County Accounts (Scotland)	Return by the Queen's Remembrancer of the Court of Exchequer in Scotland, of all County Accounts lodged in the Exchequer, 1841-42, according to 2 & 3 Vict. c 65 - - - -	XLIX. 51.	
192.	- -	Mr. Hoskins and Deputy Judge Advocate.	Copies of Correspondence respecting the Appointment of Mr. Hoskins as Deputy Judge Advocate at Portsmouth; also, Copies of Warrants by which Mr. Binsted and Mr. Moses Greetham were appointed - - - - -	XXXI. 321.	
193.	- -	Poor Laws (Ireland) - -	Return of the Expense of each Poor Law Union in Ireland, in each Half Year for which the Accounts have been audited; distinguishing the Sums for Maintenance and Clothing, and those paid for Establishment, Workhouse Loan, and other Expenses -	XLVI. 585.	
193. II.	- -	- Ditto - - - -	Abstract of the above Return - -	XLVI. 597.	
194.	- 24.	Apprehension of Offenders - [Mr. Solicitor-General, Mr. Attorney-General and Sir J. Graham.]	Bill [as amended by the Committee] -	I. 93.	c. 34.
195.	- -	Poor (Ireland) - - - [Lord Eliot and Mr. Attorney-General for Ireland.]	Bill for the further Amendment of an Act for the more effectual Relief of the Destitute Poor in Ireland - -	III. 501.	c. 92.
196.	- -	Fines, &c. (Ireland) - - [Mr. Attorney-General for Ireland and Lord Eliot.]	Bill for the better Collection of Fines, Penalties, Issues, Deodands, Amerciaments and forfeited Recognizances in Ireland, and for the Appropriation thereof - - - - - -	II. 645.	c. 56.
197.	- -	Factories - - - -	Petition of certain Master Spinners and Manufacturers of the West Riding of the County of York, praying for a further Limitation of the Hours of Labour employed in Factories - -	LII. 191.	
198.	- -	County Courts (England) - [Sir J. Graham and Mr. Manners Sutton.]	Bill for regulating the County Courts of England - - - - - -	I. 765.	
199.	- 25.	Queen's Bench Offices - [Mr. Chancellor of the Exchequer and Sir G. Clerk.]	Bill for abolishing certain Offices on the Crown Side of the Court of Queen's Bench, and for regulating the Crown Office - - - - - -	III. 533.	c. 20.
200.	- -	Poachers - - - -	Return, showing in separate Lists the Names of all Persons killed or wounded in Affrays with Poachers, 1841-1842; the Counties in which such Affrays have taken place, and Convictions arising thereout - -	XLII. 299.	
201.	- -	Post Office - - -	Number of Inland Letters; Gross Amount of Revenue, including Payments for Official Postage and Receipts for Money Order Office; Expense of Management; Net Revenue, 1842; similar Return for Foreign and Colonial Letters; Amount of Postage; and Deficiency of the Revenue - -	LIII. 319.	

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	1843.				6 Vict.
202.	Apr. 25.	Exchequer - - -	Account of all Monies received, 1842, on account of Her Majesty's Exchequer; Amount of all Royal Orders and Treasury Warrants received, and the Credits and Transfers made by the Comptroller-General of the Exchequer; Payments by the Bank, and Balance remaining to Account of Exchequer - - - - - -	XXX. 143.	
203.	- -	Registration of Electors (Ireland).	Return of the Total Number of Parliamentary Electors appearing by the Lists of Books of the Clerks of the Peace registered for each County, City, Town and Borough in Ireland, 1st February 1835, 1837, 1843 -	L. 259.	
204.	- -	Ecclesiastical Commission (Ireland).	Manner in which the Sum of £. 6,313. 13, expended as Salaries to Commissioners and Officers of the Ecclesiastical Commission of Ireland, 1842, was expended; stating the Names of the Commissioners, Amount paid as Salary to each of them, and to each Officer of the Commission - - - - - -	L. 225.	
205.	- 26.	Attornies and Solicitors -	Bill [as amended by the Committee] -	I. 235.	c. 73.
206.	- -	Corn - - - -	Quantity of Corn imported from the United States from Egypt, from Sicily and from Ports in the Black Sea, since the passing of the new Corn Law Bill; specifying Date of sailing of Corn Vessels; Duty at such Date; Duty on Arrival in a British Port, &c. - -	LIII. 83.	
207.	- -	Shipping - - - -	Number and Tonnage of Sailing and Steam Vessels registered, and of those that entered and cleared Coastwise, at each of the Ports of the United Kingdom and in the Colonies, 1841; also the Number of Vessels built and registered, with their Tonnage, 1840-41-42	LII. 393.	
208.	- -	Customs - - - -	Copies of all Orders made by the Commissioners of Customs affecting or regulating the Trade of the Port of London, 1st January 1840 to the present Time - - - - -	LII. 85.	
209.	- -	Revenue - - - -	Ordinary Revenues of the United Kingdom of Great Britain and Ireland, 1802-1842 (after deducting Repayments, Allowances, &c.); stating the Amount paid in each of the said Years for Charges of Management and other Payments thereout in the Progress of the said Revenues to the Exchequer	XXX. 205.	
210.	- -	Sheep and Lambs' Wool -	Amount of Sheep and Lambs' Wool and Woollen Manufactures imported and exported, 1842; also, Foreign and Colonial Wool imported and re-exported in each Year, 1825-1842 - - -	LII. 349.	
211.	- -	Wheat - - - -	Account of the Duties payable on the Importation of Foreign Wheat, when the Price of Wheat in this Country has been at 50*s.*, 55*s.*, 60*s.*, 65*s.*, 70*s.*, 75*s.*, 80*s.*, 85*s.*, under the various Acts which have been passed from the Reign of Charles II. to the present Time -	LIII. 239.	

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	1843.				6 Vict.
212.	Apr. 26.	Fire Insurance - - -	Sums paid into the Stamp Office for Duty by each Insurance Office in Great Britain and Ireland, on Insurance from Fire, for each Quarter, 1842; and of the Sums insured by each Office on Farming Stock exempt from Duty during that Period - -	XXX. 427.	
213.	- -	Gold Bullion.—Coin - -	Amount of Gold Bullion and Coin received at the Mint to be coined; of Work done by the Refinery in the Mint for the Public Service; also, Copy of Correspondence between the Treasury and the Mint, respecting the Sycee Silver - - - - - - -	XXX. 445.	
214.	- 27.	Courts of Law - - - [Mr. Jervis and Mr. Watson.]	Bill for altering and improving the Proceedings in the Superior Courts of Common Law, as to certain Actions for the Recovery of Debts or Damages not exceeding £. 20, and as to other Actions in certain Cases - - -	IV. 459.	
215.	- -	Arms (Ireland) - - - [Lord Eliot and Mr. Attorney-General for Ireland.]	Bill to amend and continue the Laws in Ireland relative to the Registration of Arms, and the Importation, Manufacture and Sale of Arms, Gunpowder and Ammunition - - - - -	I. 129.	c. 74.
216.	- -	Shipping - - - -	Return of Shipping registered, entered and cleared Coastwise, at each of the Ports of Great Britain and Ireland and Channel Islands; and Shipping entered and cleared Coastwise from and to the Colonies, and from and to Foreign Ports, 1841 - - -	LII. 379.	
217.	- 28.	Normal School, Borough-road	Extracts of Correspondence from 1st August 1839 to the present Time, between the Committee of Council on Education and the Committee of the British and Foreign School Society, relative to the Grant of £. 5,000 to the Normal School in the Borough-road; and the Question of School Inspection	XL. 593.	
218.	- -	Corn - - - -	Copies or Extracts of any Communications which have taken place between Her Majesty's Government and the Authorities in Canada, respecting the Duties levied on Wheat imported from the United States into Canada, or from Canada to the United Kingdom, since June 1842 - - -	LIII. 277.	
219.	May 1.	United General Gas Light Company.	Copy of the Charter of the United General Gas Light Company - -	XLVIII. 455.	
220.	- -	Factories Regulation - - [Sir James Graham and Mr. Manners Sutton.]	Bill [as amended by the Committee] -	II. 549.	
221.	- -	Navy - - - -	Return of all Civil Appointments in the Naval Service, 1842; stating the Length of Time the Individuals have been in Active Service, and from what Situations they have been taken -	XXXI. 259.	
222.	- -	Convict Ships and Ships of War.	Hired Convict Ships and Transports that have foundered at Sea or have not been heard of, 1816 to the present Time; together with their Names and Tonnage, and the Number of Vessels so employed, each Year; a like Return of the Number of Ships of War and Government Packets, stated separately, &c. - - - - -	LII. 431.	

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	1843.				6 Vict.
223.	May 1.	Marriages - - - -	Number of Places of Religious Worship in England registered for the Celebration of Marriages, under Provisions of Act 6 & 7 Will. 4, c. 85; of the Number of Marriages celebrated yearly in each County in England, from July 1838 to 30 June 1841; similar Return for each Superintendent Registrar's District within the Limits of the Metropolis - - - - - -	XL. 9.	
224.	- -	Fisheries (Ireland) - -	First Annual Report of the Commissioners of Fisheries, Ireland - - -	XXVIII. 17.	
225.	- 2.	Coals - - - -	Quantity of Coals exported in each of the Quarters of the Year 1841, 1842, and in Quarter ending 5th April 1843, from the Ports of Newcastle, Sunderland and Stockton respectively; distinguishing the Coals shipped to British Possessions from those shipped to Foreign Parts - - - - -	LII. 31.	
226.	- -	Sugar - - - -	Quantity of Sugar of the several Sorts imported into the United Kingdom, and Quantities retained for Home Consumption, together with the Rates of Duty charged on Home Consumption, out of Revenue accruing therefrom, 1840–1842; also, Comparative Statement of the average Prices of British Plantation and Foreign Sugars for same Years - - - - -	LII. 309.	
227.	- -	Workhouses (Ireland) - -	Return, specifying the Number, Name and Local Situation of each Union Workhouse in Ireland, which has not within itself any Supply or an insufficient Supply of Spring Water; and also specifying those from which there is none or an insufficient Sewerage -	XLVI. 647.	
228.	- 5.	Coals - - - -	Account of the Quantity of Coal exported to Foreign Countries in each Quarter of 1842, and first Quarter of 1843; distinguishing Round Coals from Small, and showing the Amount of Duty received - - - - -	LII. 33.	
229.	- -	Spirits (Ireland) - - -	Return of the Number of Gallons of Proof Spirits, on which Duty was paid for Home Consumption, and of the Offences against the Laws for the Suppression of illicit Distillation - -	LI. 351.	
230.	- -	Public Income and Expenditure.	Account of Income and Expenditure for the Year ending 5th April 1843; Balances in the Exchequer, and the Funded and Unfunded Debt - -	XXX. 185.	
231.	- -	Wheat and Flour - -	Return of the Prices of Wheat and Flour at the different British Ports in North America, for the latest Five Years now in the Colonial Office - -	LIII. 251.	
232.	- -	Debts - - - - [Mr. Jervis and Mr. Watson.]	Bill for the more easy Recovery of Small Debts and Demands - - -	II. 5.	
233.	- -	Millbank - - - - [Sir James Graham and Mr. Manners Sutton.]	Bill for regulating the Prison at Millbank	III. 427.	c. 26.
234.	- -	Wheat - - - -	Returns of the Average Prices of Wheat in the Months of June and July respectively, as compared with those in the Month of August and September 1774–1793 - - - - - -	LIII. 241.	

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	1843.				6 VICT.
235.	May 5.	Valuation (Ireland) - -	Valuation of every Union in Ireland, as to Total Number of Persons rated at the last Rate; Total Number valued above £. 1, between £. 1 and £. 2, between £. 2 and £. 3, &c.; Total of the net Annual Value of the Property rated in the Union; Amount of any Sums due from Persons whose Valuation is not greater than £. 5, remaining uncollected from any other Rate - -	LI. 363.	
236.	– –	Semaphore - - -	Expenses appertaining to the Semaphore from London to Portsmouth, for Three Years ending 5th April 1842, including the Pay of the Officers and Men; also, Hours of Work per Diem; Number of Days when the Semaphore was not available - - - - -	XXX. 651.	
237.	– –	Copper, Lead and Iron -	Accounts of Copper and Tin imported and exported, 1842; Accounts of the Imports and Exports of Lead and Lead Ore, 1842; Accounts of Foreign Iron imported and exported, and of British Iron, Hardwares and Cutlery exported, 1842 - - - - - - -	LII. 59.	
238.	– 8.	Oil Seed Cakes - - -	Quantity of Oil Seed Cakes entered for Home Consumption in the United Kingdom, 1840, 1841, 1842, with the Amount of Duty paid thereon; and distinguishing, also, the Ports at which such Entries have been made - -	LII. 289.	
239.	– –	Cotton Wool - - -	Account of the Total Quantity of Cotton Wool entered for Home Consumption in the United Kingdom in the Quarter ended 5th April 1842; and of the Total Quantity of Cotton Wool entered for Home Consumption in the United Kingdom in the Quarter ending 5th April 1843 - - - - -	LII. 75.	
240.	– –	Wheat and Wheat Flour -	Account of Wheat and Wheat Flour imported into the United Kingdom from the British Colonies in North America, 1800–1842, distinguishing each; also, Sum Total imported in each Year; Account of Duty from American Colonies; Rates of Duty payable in Canada in each Year, 1800–1842 - -	LIII. 253.	
241.	– –	Merchant Seamen - -	Income and Expenditure of the President and Governors of the Corporation for Relief of Seamen in the Merchant Service, their Widows and Children, at London, and the various Outports under their Management; also, Income and Expenditure of the Trustees for the Relief of Seamen in the Merchant Service, their Widows and Children, &c.; extracted from the Returns made according to the Act -	LII. 361.	
242.	– –	Post Office - - -	Treasury Minutes relating to Post Office Distribution in the Rural Districts of the United Kingdom, and the Letter of the Postmaster-General, dated August 1841, on the same Subject; Returns of any Arrangements which have been made by the Post Office in conformity with such Minutes - - - -	LIII. 321.	
243.	– 9.	Knutsford House of Correction.	Further Papers with reference to the Inquiry respecting the Treatment of Prisoners in the House of Correction at Knutsford - - - - -	XLIII. 355.	

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	1843.				6 Vict.
244.	May 10.	Londonderry, &c., Workhouses.	Extracts of any Correspondence between the Chief Secretary to the Lord Lieutenant of Ireland and the Commissioners of Public Works, relating to Workhouses at Londonderry, Strabane and Castlederg; Copies of any Reports made by Jacob Owen, Architect to the Board of Public Works, on the State of these Buildings - - - -	XLVI. 659.	
245.	– 9.	Isle of Man - - -	Copies of any Correspondence between the Board of Trade and Inhabitants of the Isle of Man, from 1837 to the present Time, on the Regulation of the Import Duties in that Island - -	LII. 211.	
246.	– –	Ordnance Survey (Scotland)	Return of the Year in which the Ordnance Survey was commenced; Number of Officers at present employed; Instruction from Board of Ordnance for conducting the Survey; Statement of the exact State and Progress made in the Survey to this Date; whether any of the Topographical Part has been executed; Time when the whole may be expected to be completed - -	XLIX. 137.	
247.	– 10.	East Preston Gilbert's Incorporation.	Report made by H. W. Parker, Assistant Poor Law Commissioner, relative to the East Preston Gilbert's Incorporation - - - - - -	XLV. 209.	
248.	– 11.	Metropolis Police - -	Copy of a Report of a Committee of the Mary-le-bone Vestry, on the Expenses of the Metropolitan Police borne by that Parish since its Establishment -	XLII. 329.	
249.	– –	County Treasurers (Ireland) -	Order in Council relative to County Treasurers, Ireland; Order of the Lord Lieutenant in Council respecting Fees, &c.; Account of Fees received by Registrars of Treasurers' Accounts, and Appropriation thereof - -	L. 103.	
250.	11 & 24.	Spirits - - - -	Quantity of Proof Spirits distilled, paid Duty, removed to and from each Kingdom, and permitted out from Distillers' Stocks; also, the Quantities of Rum, Brandy, Geneva, &c. that paid Duty, 1842 - - - -	LII. 297.	
251.	– 12.	Waste Lands - - - [Mr. Ferrand and Lord John Manners.]	Bill to compel the Allotment of Waste Lands in England - - - -	IV. 545.	
252.	– –	Copyhold and Customary Tenure.	Bill, intituled, An Act to amend and explain an Act for the Commutation of certain Manorial Rights in respect of Lands of Copyhold and Customary Tenure, and in respect of other Lands subject to such Rights, and for facilitating the Enfranchisement of such Lands, &c. - - - - -	I. 669.	c. 23.
253.	– –	Court of Session (Scotland) -	Return, showing in Columns, an Abstract of the Extent of Business which has been done in the Court of Session since 1780 - - - - - - -	XLIX. 121.	
254.	– –	Labourers' Removal - -	Copies of Letters from R. H. Greig and H. Ashworth to E. Chadwick; also, Correspondence and Return relative to the Removal of Labourers from Agricultural Districts to Manufacturing Districts - - - - -	XLV. 119.	
255.	– 15.	Oaths (Ireland) - - - [Mr. Ross and Mr. Serjeant Murphy.]	Bill to abolish the Catholic Oath as a Qualification for Voters at Elections in Ireland - - - - -	III. 451.	c. 28.

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	1843.				6 Vict.
256.	May 15.	Grain - - - -	Statement of the Quantities of Grain, distinguishing Foreign from Colonial, imported, &c., in the first Three Months of 1843; Quantities imported and re-exported in 1842; Average Prices of Wheat in Guernsey and Jersey, in the Quarter ended 5 April 1843; Account of the Total Quantities of Grain, Foreign and Colonial, with average Rate of Duty, 1842–1843 - - - - - -	LIII. 235.	
257.	- 16.	Cinnamon, Cassia, China, Tea, Silk, &c.	Returns respecting Importation and Exportation of Cinnamon, Cassia, Tea, Silk, &c., and of the Quantities retained for Home Consumption - -	LII. 23.	
258.	- -	Savings' Banks and Friendly Societies.	Number of Depositors in Savings Banks; Number of Charitable Institutions and Friendly Societies; Sums deposited up to November 1842; Amount of Money received from Savings Banks by Commissioners of National Debt during 1817; Amount of Money, &c., due 20 November 1842; Difference between Amount paid for Interest and that received - - - - -	XXX. 627.	
259.	- -	Copper - - - -	Account, showing the Quantity of Copper Ore upon which Duty has been paid since July 1842; showing, also, the Countries whence the same was imported, and the Per-centage; Quantity of Metallic Copper contained in each Parcel of Ore upon which Duty has been paid, together with the Rate and Amount of Duty received thereon	LII. 57.	
260.	- -	Cured Provisions - -	Quantities of Provisions of all Kind imported into the United Kingdom from Foreign Countries, and from Colonies, 1842; specifying the different Kinds, the Countries whence sent, Quantity of each Kind entered for Home Consumption, and Amount of Duty respectively; Quantity re-exported, &c.	LII. 81.	
261.	- -	Flour (Canada) - - -	Account of all Duties charged or chargeable per Cwt. on Flour, the Produce or Manufacture of Canada, imported into London or Liverpool, and entered for Home Consumption, May 1842 to April 1843 - - - - -	LIII. 265.	
262.	- -	Grand Juries (Ireland) - [Mr. Serjeant Murphy, Mr. Watson and Mr. Callaghan.]	Bill to amend an Act to enable Grand Juries to make certain Presentments in Counties of Cities and Towns in Ireland, and to remove Doubts as to the Jurisdiction of Justices of the Peace in Places recently annexed to Counties at large in Ireland - -	III. 1.	
263.	- 18.	Metropolis Roads - -	Seventeenth Report of Commissioners of the Metropolis Turnpike Roads, North of the Thames, under 7 Geo. 4, c. 142 - - - - -	XXIX. 305.	
264.	- -	China - - - -	Statements of the Sums paid on account of the War in China, as far as the same can be made out; and of the Sums received or due from China under the Treaty of Peace, or otherwise - -	XXX. 317.	
265.	- 19.	Knutsford Gaol - - -	Copy of additional Correspondence between the Home Office and the Magistrates of the County of Chester relative to Knutsford Gaol - - - -	XLIII. 363.	

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	1843.				6 Vict.
266.	May 19.	Registration of Voters - [Sir James Graham, Mr. Attorney-General and Mr. Solicitor-General.]	Bill [as amended by the Lords] - -	IV. 107.	c. 18.
267.	– –	Turnpike Trusts - -	Returns relative to the Income, Expenditure and Debts of the several Turnpike Trusts in England and Wales; to the Mortgage of Tolls, with Proceedings relating thereto; also, to any Loss arising from Defalcation, &c. - -	XLVIII. 271.	
268.	– –	Sierra Leone and Gambia -	Rate of Duty on Imports at Sierra Leone and Gambia, and by what Authority charged; Amount received, 1839, 1840, 1841, on principal Articles of Import; Aggregate Amount received each Year; Account of Expenditure of the same - - - - - -	LII. 189.	
269.	– –	Ship "Barbadoes" - -	Copies or Extracts of Communications to and from the Office of the Secretary of State for the Colonies, in reference to the Emigrant Ship "Barbadoes" -	XXXIV. 659.	
270.	– –	Judicial Establishments (Scotland).	Abstract of Expenditure, 1841, of the Judicial Establishment of Scotland, from whatever Source provided; viz. for Court of Session and Justiciary in Edinburgh, Lord Advocate's Department and County Courts - - -	XLIX. 129.	
271.	– –	Maynooth College - -	Number of Students in the Roman Catholic College of Maynooth, 1840, 1841, 1842; also, the Number of Professors at present employed therein, with their respective Salaries and Emoluments - - - - - -	LI. 55.	
272.	– 22.	Dublin Presbyterian Churches	Copies of the Correspondence between the Poor Law Commissioners and Trustees of the Presbyterian Churches in Dublin, with respect to the Liability to Poor Rate of Pew Rent payable to the Clergymen officiating in such Churches - - - - -	L. 193.	
273.	– 23.	Queen's Bench Prison -	Bill, intituled, An Act to continue the Liberty of the Rules of the Queen's Bench Prison to certain Persons -	III. 543.	
274.	– –	Church Endowment - - [Sir R. Peel, Sir J. Graham and Mr. Chancellor of the Exchequer.]	Bill to make better Provision for the Spiritual Care of populous Parishes -	I. 445.	c. 37.
275.	– –	Poor Relief (Ireland) - -	Various Returns relative to Erection of Poor-houses, their Expenses in Building and Furniture, &c.; Education of Paupers; Salaries of Officers; Expenditure of each Poor-house; Rates levied, and Refusals and Postponements of Rates, &c. &c. - - - -	XLVI. 5.	
276.	– –	Outrages (Ireland) - -	Return of Outrages reported to the Constabulary Force, Dublin Castle, April 1843 - - - - -	LI. 169.	
277.	– –	St. Asaph and Bangor -	Copies of Returns made by the Bishops of St. Asaph and Bangor to the Ecclesiastical Commissioners; setting forth the Revenues of their respective Sees	XL. 129.	
278.	24. & 25.	Belfast Royal Academical Institution.	Copies of Orders, Rules, Regulations and Bye-laws since the Act of Incorporation by the Proprietors of the Belfast Academical Institution, and Dates thereof; Income and Expenditure of the Institution, 1835–1842 - -	L. 27.	

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	1843.				6 VICT.
279.	May 24.	Poor (Ireland) - - -	Number of Visits by each Assistant Poor Law Commissioner to each Union in Ireland, 31 October 1842 to 31 March 1843, and the Travelling Expenses charged by each, within the same Period - - - - - -	XLVI. 1.	
280.	- -	Wool - - - - -	Quantity of Sheep and Lambs' Wool subject to a Duty of One-halfpenny per Pound imported into the United Kingdom, 1842; Quantity that paid the said Duty; Quantity liable to Duty, but re-exported; Quantity in Bond, 1 January 1843: Similar Account for each Year of present Duty - -	LII. 345.	
281.	- -	Savings Banks - - -	Return relating to Rate of Interest paid to Depositors, Number of Depositors, lowest Amount of Deposit on which Interest is allowed; Exchequer Bills in the hands of Commissioners; Exchequer Bills issued, and Amount of Interest paid - - - - -	XXX. 631.	
282.	- -	Newspaper Stamps and Advertisement Duty.	Stamps issued to, and Advertisement Duty paid by, the various Newspapers of Great Britain, from January to April 1843 - - - - - -	XXX. 559.	
283.	- -	Corn - - - - - -	Quantity of Wheat delivered from the Warehouse or Vessel Duty-free, under 5 & 6 Vict. c. 92, distinguishing the Place and Dates of Delivery; Flour and Biscuit substituted for Wheat, distinguishing the Quality of Flour and Biscuit so substituted; Delivery of Flour and Biscuit so substituted; Quantity remaining in Warehouse, and where deposited; Forfeitures under the Act - - - - - -	LIII. 243.	
284.	- -	Postage - - - -	Copy of Treasury Minutes, April and August last, directing the Post Office to prepare an Estimate of Foreign and Colonial Postage; Copy of such Estimate; Statement of the Date of its Receipt at the Treasury - - -	LIII. 297.	
285.	- -	Small Livings - - -	Number of Small Livings augmented from Funds at the Disposal of the Ecclesiastical Commissioners in England and Wales; specifying the Name, Locality and Diocese of each Living; the original Value and the Amount of Augmentation - - - - -	XL. 25.	
286.	- 25.	Scientific Societies - - [Mr. G. W. Wood, Viscount Sandon and Mr. Wyse.]	Bill to exempt from County, Borough and Poor Rate, and other Local Rates, Lands and Buildings occupied by Scientific or Literary Societies -	IV. 173.	c. 36.
287.	- 29.	Sudbury - - - -	Minutes of Evidence taken upon the Second Reading of the Bill, intituled, "An Act to exclude the Borough of Sudbury from sending Burgesses to serve in Parliament" - - -	VI. 503.	
288.	- -	Ecclesiastical Courts - - [Mr. Nicholl, Sir James Graham and Mr. Attorney-General.]	Bill [as amended by the Committee] -	II. 383.	
289.	- -	Canada Wheat - - - [Lord Stanley, Mr. Gladstone and Mr. G. W. Hope.]	Bill for reducing the Duty on Wheat and Wheat Flour, the Produce of the Province of Canada, imported thence into the United Kingdom - - -	IV. 569.	c. 29.

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	1843.				6 Vict.
290.	May 29.	Coroners' Inquests - - [Lord Francis Egerton, Lord Worsley and Mr. Christopher.]	Bill to amend an Act 1 Vict., to provide for Payment of the Expenses of holding Coroners' Inquests, and to make other Provisions respecting the Duties and Remuneration of Coroners - -	I. 685.	
291.	- -	Colonial Lands and Emigration.	Copies of Correspondence relative to Emigration which has taken place since the Date of the last Despatches from each Colony; also, Copies or Extracts of any Correspondence relative to the Sale of Colonial Lands. Part I.—British North America -	XXXIV. 171.	
292.	- -	Jamaica - - - -	Copy of an Act passed by the Legislature of the Island of Jamaica in December 1842, imposing Duties on all Articles imported into that Island for Internal Consumption; together with Copies or Extracts of any Correspondence relating thereto - - -	XXXIII. 261.	
293.	- -	Registration of Electors (Ireland).	Abstract and Summary for the whole of Ireland of the Returns relative to the Registration of Electors in Ireland, presented 24 April 1843 - - -	L. 287.	
294.	- 30.	Canada - - - -	Copies or Extracts of such Parts of the Journals of the House of Assembly 1842, as relate to the Imposition of a Duty on Agricultural Produce imported into the said Province - -	LIII. 257.	
295.	- -	Salmon Fisheries - - [Mr. J. Bailey, jun., Mr. C. Berkeley and Mr. Barneby.]	Bill to repeal so much of an Act 1 Geo. 1, as limits the Time for taking and being restrained from taking Salmon in certain Rivers, and to extend the Provisions of an Act 58 Geo. 3, to the Rivers therein mentioned -	IV. 169.	c. 33.
296.	- -	Assessed Taxes - - - [Mr. Chancellor of the Exchequer and Sir George Clerk.]	Bill to continue Compositions for Assessed Taxes, and to amend the Laws relating to the Land and Assessed Taxes, and also the Laws relating to the Duties on Profits arising from Property, Professions, Trades and Offices	I. 199.	c. 24.
297.	- -	Coal-whippers - - - [Mr. W. Gladstone, the Lord Mayor of London, Mr. Masterman and Mr. Greene.]	Bill for establishing an Office and a Relief Fund for the Benefit of the Coal-whippers of the Port of London -	I. 489.	L. & P. c. ci.
298.	- -	Woollen Manufactures - [Mr. W. Gladstone, Sir George Clerk and Mr. Greene.]	Bill to amend the Laws for the Prevention of Frauds and Abuses by Persons employed in the Woollen, Worsted, Linen, Cotton, Flax, &c., Manufactories, and for the further securing the Property of the Manufacturers, and the Wages of the Workmen engaged therein - - - - - -	IV. 573.	c. 40.
299.	- -	Tobacco - - - -	Names of Masters, Owners, Crews and Ships belonging to New Ross, that have been prosecuted for smuggling Tobacco, 1840–1842; Names of the Magistrates who heard the different Cases, and their Decision of the Evidence, whether Conviction or Acquittal, and Grounds of Acquittal - -	XLII. 305.	
300.	- -	Indian Law Commissioners -	Copies of the Special Reports of the Indian Law Commissioners - - -	XXXVI. 1.	

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	1843.				6 Vict.
301.	May 30.	Steam Navigation (India) -	Total Amount expended for Steam Navigation to India by way of the Red Sea, in each Year, 1839–1842; Number and Power of several Steam Vessels employed; Copy of the Regulations; Places fixed for Communication -	XXXV. 649.	
302.	– –	Fines (Ireland) - - -	Account of all Fines received under 1 & 2 Vict. c. 99, and of the Appropriation thereof; Return of Amount paid to the Fund from each County, and the Expenditure out of it, &c. -	L. 301.	
303.	– –	Bankruptcy Act - - -	Salaries of Commissioners and all Officers under Bankruptcy Act; Orders of Lord Chancellor respecting Bankruptcies prior to Act; Sittings of Commissioners in London and Country, 1841–1842; Bills of Costs of Solicitors as taxed; Sums allowed Official Assignees in the Country; Names of Persons appointed to various Offices; Remuneration of Official Assignees in Town and Country, 1841–1842; similar Return of Messengers and other Expenses since November 1842 - -	XLI. 1.	
304.	June 2.	Church Endowment - - [Sir Robert Peel, Sir James Graham and Mr. Chancellor of the Exchequer.]	Bill [as amended by the Committee] -	I. 455.	c. 37.
305.	– –	Dock-yards, Admiralty Lands [Mr. Sidney Herbert and Captain Gordon.]	Bill [as amended by the Committee] -	I. 29.	c. 58.
306.	– –	Copyhold and Customary Tenure.	Bill [as amended by the Committee] -	I. 675.	c. 23.
307.	– –	Aliens - - - -	Report from the Select Committee on the Laws affecting Aliens, with Minutes of Evidence, Appendix and Index - - - - - - -	V. 145.	
308.	– –	Inclosures - - - - [Lord Worsley, Mr. Pusey and Mr. Aglionby.]	Bill for facilitating the Inclosure and Improvement of Commons - -	I. 547.	
309.	– –	Brazils - - - -	Declared Value of the various Articles of British Produce and Manufacture exported to Brazils, 1831–1841; Quantities of the principal Articles of the Growth and Manufacture of Brazils imported into United Kingdom, 1831–1841; Quantities of such Articles annually entered for Home Consumption - - - - - - -	LII. 183.	
310.	– –	Wine and Spirits - -	Quantity imported; Quantity which paid Duty for Home Consumption; Quantity exported in 1842, distinguishing each Sort; Quantity remaining in Bond; Proof Gallons of Rum and of all other Spirits imported; Duty paid; Quantity retained for Home Consumption, 1842; Quantity remaining in Bond, distinguishing London from the Country - - - -	LII. 331.	

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	1843.				6 Vict.
311.	June 2.	Public Works (Ireland) -	General Statement of the Transactions of the Commissioners of Public Works of Ireland since their Appointment; showing Total Amount of Exchequer Bills issued; Interest thereon; Balances of Loans or Interest outstanding; Estimated Profit; 5 January 1843 - - - - - -	LI. 385.	
312.	– –	Woollens - - - -	Value of Foreign Woollens of all Sorts, "made up" and "not made up," exported from the Warehouses of the United Kingdom in each Year, 1830–1842 inclusive - - - - -	LII. 359.	
313.	– –	Sinde - - - -	Treaties with the Ameers of Sinde, 1809 and 1820; also, other Conventions and Treaties - - - - - -	XXXIX. 1.	
314.	– –	Clergy Reserves (Canada) -	Amount of Investments, Rents and annual Stipends; and Proceeds of all Sales of the Clergy Reserves; Application and Appropriation of Funds to Churches of England and Scotland, and for Purposes of Public Worship and Religious Instruction - -	XXXII. 345.	
315.	– –	Gaols - - - -	Salaries paid to each of the Governors or Keepers of the Common Gaols and Houses of Correction in England; Number of Prisoners that each Prison or House of Correction can contain; Number usually confined therein -	XLIII. 257.	
316.	– 9.	Cambridge Election - -	Minutes of Proceedings and Evidence taken before the Select Committee on the Cambridge Borough Election Petition - - - - - -	VI. 3.	
317.	– –	Athlone Election - -	Copy of the Minutes of the Proceedings of the Select Committee on the Athlone Election Petition, and of the Evidence taken before them - -	VI. 1.	
318.	– –	[☞ The Bill to which the Number "318" was allotted, will not be printed.]			
319.	– –	Sewers - - - -	Receipt and Expenditure of Commissioners of Sewers for the City of Westminster, &c., County of Middlesex, Holborn and Finsbury Division and Tower Hamlets, Surrey and Kent, 1831–1840 - - - - -	XLVIII. 209.	
320.	– –	Ejectments (Ireland) - -	Number of Cases of Ejectments entered for Trial; Number tried at Quarter Sessions before Assistant Barristers; of the several Counties in Ireland, 1838–1842; with a Summary for the whole of Ireland for each Year -	L. 227.	
321.	– –	Valuation (Ireland) - -	Copy of Instructions given in reference to the Mode of filling up the Columns relative to Landlords' Rates, as required by the 65th Section of the Poor Relief Act - - - -	LI. 367.	
322.	– –	Coals - - - -	Account of the Quantity of Coal, Cinders and Culm shipped Coastways; the Quantities exported to Foreign Countries and the British Settlements, with the Rates and Amount of Duty charged thereon; also, the Quantities brought into the Port of London -	LII. 37.	

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	1843.				6 Vict.
323.	June 9.	Colonial Lands - - -	Extracts of Correspondence relative to Emigration and Colonial Lands. Part II.—New South Wales and Port Philip, Van Diemen's Land, Western Australia and New Zealand - -	XXXIV. 367.	
324.	– –	Church of Scotland - -	Copy of Her Majesty's Letter to the Moderator of the General Assembly of the Church of Scotland, and the Answer of the Assembly thereto; also, Deed of Separation presented to the General Assembly of the Church of Scotland by a Body of the Established Clergy - - - - - - -	XLIX. 1.	
325.	– –	Waste Lands Inclosure Acts	Estimated Quantity, in Statute Measure, of all Commons or Waste Lands in every Parish of Tithe Commutation District, up to 1843; all Acts passed since 1800 for the Inclosure of Commons or Waste Lands; distinguishing Parishes and Counties where situated; estimated Average of each; distinguishing Number of Acts in decennial Periods - - - - - - -	XLVIII. 467.	
326.	– –	Police and Superannuation (Ireland).	Police Reward Fund, from 1843; Police Superannuation Fund; Names of all Persons receiving Pensions or Gratuities from either of the above Funds; stating the Nature of their Service, and the Amount received by each per Annum - - - - - - -	LI. 309.	
327.	9 & 14.	Ecclesiastical Courts - -	Abstract Returns of the Number of Proctors now practising in each of the Ecclesiastical Courts in England and Wales; with the Names, Salaries, Fees and Emoluments of the Judges, Registrars and Deputy Registrars having Right to grant Probates -	XL. 179.	
328.	– 12.	Nottingham Election - -	Minutes of the Proceedings and Evidence taken before the Select Committee on the Nottingham Town Election Petition - - - - - - -	VI. 423.	
329.	– –	Grand Jury Presentments (Dublin). [Lord Eliot, Mr. J. Hamilton and Mr. E. Taylor.]	Bill to consolidate and amend the Laws for the Regulation of Grand Jury Presentments in the County of Dublin -	II. 225.	
330.	– –	London University - -	Return, stating the Subject for Examination for the Degree of Bachelor of Laws, distinguishing the Pass and Honor Examinations, and for the Degree of Doctor of Laws, in the University of London - - -	XL. 585.	
331.	– –	Soap - - - - -	Account of all Soap made in each Town in Great Britain; Soap exported and imported; and Allowances and Drawbacks thereon; Convictions for defrauding the Revenue arising from Soap; also, Number of Licenses granted - - - - - - -	LII. 293.	
332.	– –	Falmouth - - - - -	Copy of the Correspondence which has taken place with regard to the Removal of the Peninsular, West India and Oriental Mail Packets from Falmouth, and of any Treasury Minute relating thereto - - - - - - -	LIII. 355.	

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Sess. No	Date of Printing.	GENERAL SUBJECT.	NATURE OF THE PARTICULAR PAPER.	Sessional Vol. & Page.	Chap. of Stat. if the Bill passed.
	1843.				6 Vict.
333.	June 12.	Lighthouses (Ireland) - -	Account of the Corporation for preserving and improving the Port of Dublin; of the Receipt and Expenditure of all Monies received by them for the Support and Maintenance of Lighthouses round the Coast of Ireland, 1842 - - - - - - -	L. 371.	
334.	- -	Valuation (Ireland) - -	Return of the several Counties, Counties of Cities and Counties of Towns, of which the Valuation has been completed; Sums ordered to be levied by Grand Juries, 1842; Name and Acreable Contents of various Counties; Expenses of Valuation, Cost per Acre, &c. - - - - - - -	LI. 377.	
335.	- -	Lunatic Asylums (Ireland) -	Expense of each District Lunatic Asylum, 1842-43; showing Total Annual Expense; Number of Patients, and Sums charged for each; Number discharged; Expenditure of each Asylum each Year; Items of Expenditure in detail; Number of Insane in each Workhouse in Ireland, March 1843 - - - - - - -	L. 409.	
336.	- -	Clerks of Assize - - -	Abstract of Returns of all Fees taken or demanded from Defendants by Clerks of Assize and Clerks of the Peace of the several Counties in England and Wales, 1842-43, as well as at any Special Commission held the last or present Year - - - - - -	XLIV. 223.	
337.	- 13.	Spirits (Ireland) - - -	Produce of Excise Duties on Spirits; of Spirits brought to Charge, and Duty paid thereon; Duty paid on Spirits for Home Consumption; Detections, Prosecutions, Convictions, and Number of Persons confined for Offences against the Laws for Suppression of illicit Distillation - - - - -	LI. 357.	
338.	- -	Expiring Laws - - -	Report from the Committee appointed to inquire what Temporary Laws of a Public and General Nature are now in force, and what Laws of a like Nature have expired since the last Report; also, what Laws are about to expire - - - - - - -	XI. 191.	
339.	- -	Chelsea Hospital - - [Sir E. Knatchbull and Sir H. Hardinge.]	Bill to enable the Commissioners of Chelsea Hospital to purchase certain Parcels of Land for the Benefit of the said Hospital, and for other Purposes - - - - - - -	I. 433.	c. 31.
340.	- 14.	Sugar - - - - [Mr. Chancellor of the Exchequer and Sir G. Clerk.]	Bill for granting to Her Majesty certain Duties on Sugar imported into the United Kingdom for the Service of the year 1843 - - - - - -	IV. 453.	c. 27.
341.	- -	Inclosures (No. 2.) - - [Lord Worsley, Mr. Pusey and Mr. Aglionby.]	Bill for facilitating the Inclosure and Improvement of Commons - -	I. 609.	
342.	- -	Recorders - - - -	Return of Salaries paid to Recorders of all Corporate Towns in England and Wales which have a separate Quarter Sessions of the Peace, with the Names of such Recorders - -	XLIV. 173.	

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Sess. N°	Date of Printing.	GENERAL SUBJECT.	NATURE OF THE PARTICULAR PAPER.	Sessional Vol. & Page.	Chap. of Stat. if the Bill passed.
	1843.				6 Vict.
343.	June 14.	Royal Palaces - - -	Account of Public Money expended on each of the Royal Palaces, Gardens and Parks; stating the Amount of Expenditure, from Parliamentary Grants, Crown Revenues and Civil List Acts; Amount of Salaries received by Rangers, Deputy Rangers, &c., 1838–1843 - - - - - -	XXX. 619.	
344.	– –	Committals - - -	Abstract of the Aggregate Number of Persons committed for Criminal Offences in England and Wales, Scotland and Ireland, in each of the two past Years - - - - -	XLII. 271.	
345.	– 15.	Royal Family - - - [Sir R. Peel, Lord Stanley, Sir James Graham and Mr. Chancellor of the Exchequer.]	Bill to enable Her Majesty to settle an Annuity on Her Royal Highness the Princess Augusta Caroline, eldest Daughter of His Royal Highness the Duke of Cambridge - - -	I. 413.	c. 25.
346.	– –	Corporations (Charitable Estates.) [Mr. Fitzroy Kelly and Sir C. Douglas.]	Bill to provide for the Appointment of Trustees of Charitable Estates appertaining to certain Boroughs in England and Wales, and to extend the Provisions of 1 Vict., for amending an Act for the Regulation of Municipal Corporations in England and Wales; and to repeal certain Provisions, and to substitute others in lieu thereof - - - -	I. 717.	c. 89.
347.	– –	Poor (Ireland) - - -	Return of the Number of Magistrates elected and *ex officio* on each Board of Guardians in the different Poor Law Unions in Ireland - - -	XLVI. 583.	
348.	– 16.	Army Services - - -	Balance Sheet of the Estimate and finally audited Expenditure on account of Ordinary Army Services, 1841–42 - - - - - -	XXXI. 153.	
349.	– –	Fines (Ireland) - - - [Mr. Attorney-General for Ireland and Lord Eliot.]	Bill [as amended by the Committee] -	II. 665.	c. 56.
350.	– –	Cities and Towns (Ireland) -	Returns of Cities and Towns in Ireland in which, since 1836, Meetings have been convened under 9 Geo. 4, for making Provision for lighting, cleansing and watching Cities, Towns Corporate and Market Towns in Ireland - - - - - -	L. 57.	
351.	– –	Isle of Man - - -	Receipt and Expenditure of the Isle of Man, 1840, 1841, 1842; exhibiting the various Sources whence derived, various Purposes to which applied; showing Appropriation of Surplus Revenues, and Authority on which Appropriation has been made - -	LII. 217.	
352.	– –	Outrages (Ireland) - -	Return of Outrages in Ireland reported to the Constabulary Office, Dublin Castle, May 1843 - - - -	LI. 173.	
353.	– –	Transports and Convict Ships	Return of the Number of Merchant Vessels employed by Her Majesty's Government as Transports, and Number of Vessels employed as Convict Ships - - - - - -	LII. 433.	

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Sess. N°	Date of Printing.	GENERAL SUBJECT.	NATURE OF THE PARTICULAR PAPER.	Sessional Vol. & Page.	Chap. of Stat. in the Bill passed.
	1843.				6 & 7 Vict.
354.	June 16.	Population - - -	Total Population in England, Ireland and Scotland, according to Census 1841; accompanied by an Abstract of the Total Number of Persons in Ireland, ascertained by the Commissioners of Public Instruction, 1834, to belong to each Religious Persuasion at the Time of their Inquiry -	LI. 321.	
355.	– –	Blacksmiths (Ireland) - -	Return from the Clerk of the Peace for every County in Ireland of the Names and Places of Abode of every Blacksmith whose Forge has been registered, and who has received a License at Quarter Sessions, during the last Ten Years - - - - - - -	L. 51.	
356.	– –	Marine Engines - - -	Return of the Names of Marine Engine-makers with whom the Admiralty have made Contracts for Engines, from 1839 to 1843 inclusive; the Amount of Horse Power, original Cost of Engines, Repairs, &c. - - -	XXXI. 333.	
357.	– 19.	Factories - - - - [Sir James Graham and Mr. Manners Sutton.]	Bill [as amended by Committee, and on Re-commitment] - - - -	II. 607.	
358.	– –	Lord Ffrench - - -	Copy of a Letter written by direction of the Lord Chancellor of Ireland, relating to the Dismissal of Lord Ffrench as a Magistrate of County of Galway	LI. 29.	
359.	– –	Troops of Ireland - -	Number of Troops quartered in Ireland, 1833, 1834, 1835, 1836, 1837, 1838, 1839, 1840 - - - - - -	XXXI. 173.	
360.	– –	Navy - - - -	Return of Ten-gun Brigs launched, 1808-1832 inclusive; also of Sixteen-gun Brigs and Ten-gun Brigs built since 1832 - - - - - -	XXXI. 265.	
361.	– 20.	Population and Poor Relief (Scotland).	Number of Population in each Parish of Argyll, Inverness, Ross, Sutherland and Caithness, 1841; Legal or Voluntary Assessment of Heritors in each Parish; Annual Amount; Sum collected at Kirk Doors; Amount of Relief each Year from both Funds; Number of Population, 1841, in all other Counties; with similar Returns for each Parish in each of the said Counties - - - - -	XLIX. 141.	
362.	– –	Lighthouses - - -	Receipt and Application of all Money received as Tolls from Lighthouses, 1841, by the Corporation of the Trinity House of Deptford Strond -	LII. 221.	
363.	– –	Slave Trade - - -	Return of the Number of Ships of War of all Classes employed for the Suppression of the Slave Trade, 1842; stating the Number of Guns and of Men, and an Estimate of the Charge to the Public for that Service in that Year - - - - - - -	LVIII. 15.	
364.	– 21.	Sugar - - - -	Account of the Quantities of Sugar imported, entered for Home Comsumption, and remaining in Warehouse, to the latest Date; comparing them with the Quantities at the same Date last Year - - - - - - -	LII. 311.	
365.	– –	Coroners' Inquests - - [Lord Francis Egerton, Lord Worsley and Mr. Christopher.]	Bill [as amended by the Committee] -	I. 691.	

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	1843.				7 Vict.
366.	June 21.	Bridges (Ireland) - - [Mr. Stafford O'Brien and Mr. Ross.]	Bill to amend an Act of the 19 & 20 Geo. 3, for empowering Grand Juries to present Bridges, and Tolls to be paid for passing the same, in certain Cases	I. 285.	c. 42.
367.	– –	East Indies - - -	Home Accounts and Annual Territorial Revenue Accounts of the East India Company, 1838–39, 1840–41; with an Estimate of the same for the succeeding Year - - - - -	XXXV. 39.	
368.	– –	Lunatics - - - -	Account of all Monies received for Licenses by the Clerk or Treasurer of the Metropolitan Commissioners in Lunacy, and of all Monies received and paid out of the Consolidated Fund to the said Clerk, 1841–42 - -	XLVIII. 13.	
369.	– 22.	Grand Juries (Ireland) - [Mr. Serjeant Murphy, Mr. Watson and Mr. Callaghan.]	Bill [as amended by the Committee] -	III. 9.	
370.	– –	Privy Council - - -	Bill, intituled, An Act to make further Regulations for facilitating the hearing Appeals and other Matters by the Judicial Committee of the Privy Council - - - - - -	I. 65.	c. 38.
371.	– –	Revenue - - - -	Amount not paid into the Exchequer, but deducted for Costs of Collection and other Purposes from the Customs, Excise, Stamps, &c.; Return of Amount received by Army, Navy, Ordnance, Civil and other Departments of Expenditure, from all Sources except Parliamentary Grants or Issues from the Exchequer, 1842 -	XXX. 263.	
372.	– –	Museums - - - -	Return of the Total Amount of Money granted by Parliament for the British Museum, and other Museums; Copy of Memorial, with Correspondence between the Royal Dublin Society and the Treasury, relative to a Grant of Money for the Erection of a National Museum in Ireland - -	XXX. 501.	
373.	– –	Cheese - - - -	Account of the Quantities of Cheese imported into the several Ports of Great Britain, 1842; distinguishing the European, United States and Colonial Produce - - - -	LII. 21.	
374.	– –	Wine and Spirits - -	Quantity of Wine and Spirits imported, 1842; distinguishing the Quantity from each County, Amount of Gallons paid Duty on, Amount of Gallons exported, Quantities of Gallons of all Wines, the Produce of the Channel Islands, imported since October 1840; Wines and Spirits which have been exported, and upon which Drawback has been obtained - - - -	LII. 335.	
375.	– 23.	Exchequer Court (Ireland) - [Mr. Attorney-General for Ireland and Lord Eliot.]	Bill for the Amendment of the Proceeding and Practice of the Equity Side of the Court of Exchequer in Ireland	II. 469.	c. 55.
376.	– 26.	Privy Council - - -	Bill [as amended by the Committee] -	I. 73.	c. 38.
377.	– 27.	Exchequer - - -	Account of Monies in the Exchequer, or remaining to be raised, 27 June 1843, to complete the Aids granted by Parliament for 1841–42 - -	XXX. 149.	

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Sess. N°	Date of Printing.	GENERAL SUBJECT.	NATURE OF THE PARTICULAR PAPER.	Sessional Vol. & Page.	Chap. of Stat. if the Bill passed.
	1843.				7 Vict.
378.	June 27.	Fines and Penalties Act (Ireland).	Communications from the Paymaster of Civil Services, 1839, 1840, 1841, of the Fines and Penalties; Copies of Letters in reply from the Treasury; Report of the Progress which has been made in auditing the Accounts of Fines and Penalties; by whom such Audit is conducted; Expense of the same - - - - - -	L. 305.	
379.	– –	Confectionery - - -	Orders issued by Commissioners of the Customs to the Officers of the Revenue, relative to the Importation into the United Kingdom of Confectionery from the Channel Islands - - -	LII. 55.	
380.	– –	Sweets or Made Wines.—Rum	Returns of Sweets or Made Wines imported from Scotland and Ireland into England, 1842; also, of Seizures made, and how dealt with; Account of the Quantities of Rum, distinguishing West and East India Rum entered for Consumption in England, Scotland and Ireland respectively, 1832–1842, and Rates of Duty paid thereon - -	LII. 339.	
381.	– –	Electors and Burgesses (Ireland).	Return of the Number of Parliamentary Electors at the Cities of Cork, Dublin, Kilkenny, Limerick and Waterford, and the Town of Drogheda, appearing registered 1st February 1843 -	L. 253.	
382.	– –	Poor (Edenderry) - -	Memorial and accompanying Papers from the Board of Guardians of the Edenderry Union in Ireland to the Secretary of State for the Home Department, complaining of certain Acts of the Poor Law Commissioners -	XLVI. 607.	
383.	– 26.	Machinery - - -	Copy of a Letter from J. G. S. Lefevre to Mr. Boothman relating to the Extension of the Export of Machinery, 8th September 1842 - - - -	LII. 227.	
384.	– 27.	Magistrates (Ireland) - -	Number of Magistrates superseded in the Commission of the Peace in Ireland since May 1843; distinguishing whether superseded by Authority or at their own Request, and stating the Counties in which they held Commissions - - - - - -	LI. 1.	
385.	– 29.	Grand Jury Presentments (Ireland). [Lord Eliot and Mr. Attorney-General for Ireland.]	Bill to amend the Laws in force relating to Grand Jury Presentments in Counties and Cities and Towns in Ireland -	III. 25.	c. 32.
386.	– –	Public Works (Ireland) - [Mr. Chancellor of the Exchequer and Sir George Clerk.]	Bill to amend the Acts for carrying on Public Works in Ireland - - -	IV. 609.	c. 44.
387.	– –	Scientific Societies - - [Mr. G. W. Wood, Viscount Sandon and Mr. Wyse.]	Bill [as amended by the Committee] -	IV. 177.	c. 36.
388.	– –	Charitable Loan Societies (Ireland). [Lord Eliot, Sir R. Ferguson and Mr. G. A. Hamilton.]	Bill to consolidate and amend the Laws for the Regulation of Charitable Loan Societies in Ireland - - - -	III. 289.	c. 91.
389.	– –	Hackney and Stage Carriages [Mr. Manners Sutton and the Lord Mayor.]	Bill for regulating Hackney and Stage Carriages in and near London - -	III. 63.	c. 86.
390.	– –	Norfolk Island - - - [Mr. G. W. Hope and Lord Stanley.]	Bill to amend so much of an Act of the last Session for the Government of New South Wales and Van Diemen's Land as relates to Norfolk Island - -	III. 441.	c. 35.

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Sess. N°	Date of Printing.	GENERAL SUBJECT.	NATURE OF THE PARTICULAR PAPER.	Sessional Vol. & Page.	Chap. of Stat. if the Bill passed.
	1843.				7 VICT.
391.	June 29.	Sycee Silver - - -	Statement of the Account between the Master of the Mint and the Lords Commissioners of Her Majesty's Treasury, on account of the Sycee Silver remitted from China - - -	XXX. 717.	
392.	– 30.	Exchequer Bills - -	Statement of the Amount of Interest payable on £. 262,000, Forged Exchequer Bills, to the respective Holders of which Indemnity has been granted, per 6 Vict. c. 1. - - - -	XXX. 177.	
393.	– –	Yeomanry (Ireland) - -	Copies of any Orders for the disbanding of the Yeomanry in Ireland; Orders in respect of Discontinuance of Pay to the Staff and Non-commissioned Officers of Yeomanry in Ireland; Orders for delivering into Store the Arms of the Yeomanry of Ireland - -	LI. 401.	
394.	– –	Grand Jury Presentments - [Lord Eliot and Mr. Attorney-General for Ireland.]	Bill [as amended by the Committee] -	III. 41.	c. 32.
395.	– –	Drainage of Lands - - [Mr. Pusey, Lord Worsley and Sir John Trollope.]	Bill [as amended by the Committee] -	II. 81.	
396.	– –	Courts of Law (Ireland) - [Mr. Chancellor of the Exchequer and Lord Eliot.]	Bill to regulate and reduce the Expenses of the Offices attached to the Superior Courts of Law in Ireland, payable out of the Consolidated Fund - -	III. 251.	
397.	– –	Corn - - - - -	Returns of Accounts received at the Foreign Office from Her Majesty's Consuls abroad, relative to Prices of Foreign Corn, 1842; Abstract of average Price of Foreign Corn in each Month of each Year, &c. -	LIII. 115.	
398.	– –	Metropolitan Police - -	Return of any Sums paid to the Metropolitan Police for Extraordinary Services, 1830–1842, not included in the Return of the Expense of the Force annually laid before Parliament; distinguishing Amount received each Year - - - - - -	XLII. 307.	
399.	July 3.	Steam Vessels (India) - -	Steam Vessels employed by the East India Company in the Mail Packet Service between Suez and India; with the Names of Vessels, Cost and Outfit of Steamers, Annual Disbursements of each, Postage received by Government for Postage of Letters, &c.	XXXV. 81.	
400.	– –	Pensions (Civil List) - -	List of all Pensions granted between 20 June 1842 and 20 June 1843, and charged upon the Civil List - -	XXX. 599.	
401.	– –	Education (Ireland) - -	Annual Report of the Commissioners of Education in Ireland to the Lord Lieutenant, 1842–43 - - -	XXVIII. 13.	
402.	– –	Allotment of Land - -	Report from the Select Committee appointed to inquire into the Results of the Allotment System, and into the Propriety of setting apart a Portion of Waste Land - - - - -	VII. 201.	
403.	– –	Magistrates (Ireland) - -	Copies of any Letters written by any Magistrate in Ireland to the Lord Chancellor of Ireland, or by his direction to any Magistrate in Ireland, respecting the superseding of any Magistrates from the Commission of the Peace in Ireland, since May 1843	LI. 3.	

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Sess. N°	Date of Printing.	GENERAL SUBJECT.	NATURE OF THE PARTICULAR PAPER.	Sessional Vol. & Page.	Chap. of Stat. if the Bill passed.
	1843.				7 Vict.
404.	July 4.	Coolies (British Guiana) -	Copies or Extracts of any Correspondence relating to the Return of Coolies from British Guiana to India - -	XXXV. 139.	
405.	- -	Prisons (Scotland) - - [Sir James Graham and Sir G. Clerk.]	Bill to amend the Law with respect to Prisons and Prison Discipline in Scotland - - - - - - -	III. 523.	
406.	- -	Cathedral Churches (Wales) [Sir James Graham and Mr. Nicholl.]	Bill for regulating the Cathedral Churches of Wales - - - - - -	I. 417.	c. 77.
407.	- -	Danish Claims - - -	Copies of Addresses to the Crown respecting Danish Claims, of May 1838-1839-1841; with Her Majesty's Replies; Treasury Minute of November 1834; Copy of any Proclamation, in the original Language and in English, declaring War against this Country, 1807, by the Danish Government -	XXX. 399.	
408.	- -	Arms and Yeomanry (Ireland).	Return relating to unregistered Arms seized, 1841-1843, under Authority of Warrant from Lord Lieutenant; Names of Officers of each Yeomanry Corps in Ireland; Quantity and Description of Arms distributed to Yeomanry; Arms delivered on being disbanded -	L. 5.	
409.	- 5.	Apprehension of Offenders - [Mr. Solicitor-General, Mr. Attorney-General and Sir James Graham.]	Bill [with Amendments made by the Lords] - - - - - - -	I. 97.	c. 34
410.	- -	Duchy of Cornwall - -	Gross and Net Revenue of the Duchy of Cornwall, 1841-42; showing the Amount of Revenue which became due; the Monies received and paid within the Time; and the Arrears and Balances at the end of the preceding and current Years - - - -	XXX. 383.	
411.	- -	Wheat and Oats (Ireland) -	Return of the average Price of Wheat and Oats in Ireland, per Barrel and per Bushel, calculated upon the Return advertised in the Dublin Gazette, 1841, 1842, 1843 - - - - -	LI. 383.	
412.	- 7.	Medical Charities (Ireland) -	Report from the Select Committee appointed to inquire into the State of the Medical Charities in Ireland; and to report what Alterations appear necessary for the purpose of improving the System under which they are conducted, and for extending their Advantages more generally among the People - - - - - -	X. 1.	
413.	- -	Schoolmasters' Widows' Fund (Scotland).	Report from the Select Committee appointed to inquire into the Circumstances under which the Schoolmasters' Widows' Fund Bill was returned to the House of Lords and received the Royal Assent, the Amendments made by the Lords not having been agreed to by this House - - - - - -	XI. 323.	
414.	- -	Copyright of Designs - [Mr. Gladstone, Mr. Greene, Sir G. Clerk and Mr. E. Tennent.]	Bill to amend the Law relating to Copyright of Designs - - - -	II. 11.	c. 65.
415.	- -	Woollen, &c., Manufactures [Mr. W. Gladstone, Sir G. Clerk and Mr. Greene.]	Bill [as amended by the Committee] -	IV. 591.	c. 40
416.	- 10.	Cathedral Churches (Wales) [Sir James Graham and Mr. Nicholl.]	Bill [as amended by the Committee] -	I. 421.	c. 77.

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	1843.				7 Vict.
417.	July 10.	Scientific Societies - - [Mr. G. W. Wood, Viscount Sandon and Mr. Wyse.]	Bill [as amended by the Committee, on Re-commitment, and on Report] -	IV. 181.	c. 36.
418.	– –	Machinery - - - [Mr. Greene, Mr. Gladstone and Mr. E. Tennent.]	Bill to remove Restraints upon the Exportation of Machinery - - -	III. 365.	
419.	– –	Outrages (Ireland) - -	Return of Outrages in Ireland, reported to the Constabulary Office, Dublin, June 1843 - - - - -	LI. 177.	
420.	– –	Metropolis Building Act -	Number of District Surveyors appointed under Metropolitan Building Act; Boundary, Number of Houses in each Surveyor's District, Houses built, what Class, Alterations, 1831–1842; Amount of Fees received by Surveyors in each Year; distinguishing new Buildings from Alterations - -	XLVIII. 15.	
421.	– –	Ship "Guiana;" Appeals, Privy Council.	Report from the Select Committee appointed to inquire into the Facts attending the Delay in extracting the Inhibition in the Case of the Ship "Guiana," and the Dismissal of the Appeal in the said Case by the Judicial Committee of the Privy Council -	XI. 1.	
422.	– 11.	Carnarvon County Gaol -	Copy of the Report and Evidence taken before Mr. Russell, Inspector of Prisons, on the late Inquiry instituted into the Conduct of Mr. George, Governor of the County Gaol of Carnarvon - - - - - -	XLIII. 261.	
423.	– 12.	Church Endowment - -	Bill [as amended by the Lords], intituled, An Act to make better Provision for the Spiritual Care of populous Parishes - - - - - -	I. 465.	c. 37.
424.	– –	Apprehension of Offenders (France).	Bill, intituled, An Act for giving Effect to a Convention between Her Majesty and the King of the French, for the Apprehension of certain Offenders -	I. 109.	c. 75.
425.	– –	Apprehension of Offenders (America).	Bill, intituled, An Act for giving Effect to a Treaty between Her Majesty and the United States of America, for the Apprehension of certain Offenders -	I. 105.	c. 76.
426.	– –	Hackney and Stage Carriages [Mr. Manners Sutton and the Lord Mayor.]	Bill [as amended by the Committee] -	III. 83.	c. 86.
427.	– –	Holyrood House - - [Earl of Lincoln and Sir T. Fremantle.]	Bill for carrying into Effect an Agreement between the Commissioners of Her Majesty's Woods and the Earl of Haddington, for the Purchase and Surrender of the Office of Hereditary Keeper of the Royal Park of Holyrood House, and for other Purposes relating thereto - - - - - -	III. 135.	c. 64.
428.	– –	Imports and Exports. — Shipping.	Declared Value of the various Articles of British Produce exported to United States, 1833–1842; Similar Return of Imports from America; Number of American Ships, and their Tonnage, entered from United States into United Kingdom, 1831–1842; Number cleared Outwards for United States; British Ships cleared and entered for United States - - - - - -	LII. 175.	

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	1843.				7 Vict.
429.	July 13.	Limitation of Actions (Ireland)	Bill, intituled, An Act for extending to Ireland the Provisions of an Act 3 & 4 Will. 4, intituled, "An Act for the Limitation of Actions and Suits relating to Real Property, and for simplifying the Remedies for trying the Rights thereto; and to explain and amend the said Act" - - - - -	III. 281.	c. 54.
430.	– –	Queen's Prison - - -	Rules for the Government of the Queen's Prison - - - - - - -	XLIII. 505.	
431.	– 14.	Arches and Prerogative Courts, Canterbury. [Mr. Elphinstone, Dr. Stock and Mr. Hayter.]	Bill for regulating the Arches and Prerogative Courts of Canterbury - -	I. 115.	
432.	– –	Buildings (Metropolis) - [The Earl of Lincoln and Sir James Graham.]	Bill [as amended by the Committee] -	I. 351.	
433.	– –	Durham Election - -	Minutes of Proceedings and Evidence taken before the Select Committee on the Durham City Election Petitions -	VI. 169.	
434.	– –	Mandamus Appeals - - [Mr. Attorney-General, Mr. Solicitor-General and Sir Thomas Wilde.]	Bill to enable Parties to sue out and prosecute Writs of Error in certain Cases upon the Proceedings on Writs of Mandamus - - - - - - -	I. 81.	c. 67.
435.	– –	Warrants of Attorney - - [Mr. Attorney-General, Mr. Solicitor-General and Sir Thomas Wilde.]	Bill to enlarge the Provisions of an Act for preventing Frauds upon Creditors by Secret Warrants of Attorney to confess Judgment - - - -	IV. 543.	c. 66.
436.	– –	Kinsale Union - - -	Copy of the Correspondence between the Poor Law Commissioners of Ireland, with reference to the Election of the Guardians for the Division of Kinsale, March 1843 - - - - -	XLVI. 639.	
437.	– –	Cuba - - - - -	Account of the Declared Value of various Articles of British Produce and Manufactures exported to Cuba, and of the Quantities of the principal Articles of the Growth and Manufacture of Cuba, imported into the United Kingdom, 1833–1842 - - - - -	LII. 77.	
438.	– –	Poor Laws - - - -	Return of the Names of Persons who have been appointed Governors of the Skipton Union Workhouse during the last Two Years; and Copy of Contracts for Food since the Formation of the Union - - - - -	XLV 233.	
439.	– –	Coffee.—Cocoa.—Cheese and Butter.	Accounts of the Quantities of Coffee imported into the United Kingdom, entered for Home Consumption, 1820–1842; Similar Return of Cheese and Butter, 1830–1842 - - - -	LII. 49.	
440.	– 17.	Holyrood Park - - -	Copies of Papers and Correspondence in relation to Negotiations between the Commissioners of Her Majesty's Woods and the Earl of Haddington, for the Purchase of the Office of Hereditary Keeper of Holyrood Park - -	XLIX. 97.	
441.	– –	Corporations (Charitable Estates). [Mr. Fitz Roy Kelly and Sir Charles Douglas.]	Bill [as amended by the Committee] -	I. 733.	c. 89.
442.	– –	Public Works (Ireland) - [Mr. Chancellor of the Exchequer and Sir George Clerk.]	Bill [as amended by the Committee] -	IV. 619.	c. 44.

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443.	July 17.	Lord Lorton's Estates - -	Copy of Memorial addressed to the Boyle Board of Guardians, in Ireland, by Persons ejected from the Estates of Lord Lorton; of Proceedings thereon; of Applications for Admission - -	L 403.	
444.	– –	Education - - - -	List of Applications for Grants out of Sums voted for Education in 1840, 1841 and 1842–43; also, of Applications still under Consideration - -	XL. 529.	
445.	– –	Edenderry Union - -	Copy of the Memorial of the Chairman of the Edenderry Board of Guardians to the Secretary of the Home Department, May 1843, together with Copies of Two Letters from the Poor Law Commissioners on the Subject - -	XLVI. 613.	
446.	– 19.	Provincial Colleges (Ireland)	Copy of a Letter addressed officially to Lord Morpeth, relative to the Establishment and Support of Provincial Colleges in Ireland - - - -	LI. 339.	
447.	– –	Corn Law Petitions (Epworth)	First Report of the Select Committee to whom the Petition from Epworth for the Repeal of the Corn Laws, and the Petition from Epworth, complaining that the former Petition was a Forgery, were referred; with Evidence	XI. 33.	
448.	– –	Sudbury Disfranchisement Bill.	Report from the Select Committee appointed to compare the Evidence adduced before the House of Lords in the Case of the Sudbury Disfranchisement Bill, with the Evidence taken before the Sudbury Election Committee of the House of Commons -	VI. 545.	
449.	– –	Navy - - - -	Return of the Number and Names of all Officers promoted in the Royal Navy since June 1838; Number of Sea Officers and Amount of Pay; also, Total Number of Officers in the Royal Navy each Year since 1834 -	XXXI. 273.	
450.	– –	Floating Breakwaters - -	Reports made to the Admiralty by Mr. Walker, Civil Engineer, and the Officer conducting the Packet Service at Dover, 1842, 1843, on the Subject of Breakwaters; also, Applications from Projectors for Assistance - - -	XXXI. 309.	
451.	– –	Wine Trade - - -	Copies of Communications made by the Lords of the Treasury to the London Wine Trade, June 1842 and July 1843	LII. 327.	
452.	– –	Schools (St. Asaph and Bangor).	Returns of the Number of Parochial, Sunday and other Charity Schools in Connexion with the Established Church within the Dioceses of St. Asaph and Bangor; Number of Children of either Sex educated therein, and Source from whence they are maintained - -	XL. 135.	
453.	– –	Coroners - - - - [Lord Francis Egerton, Lord Worsley and Mr. Christopher.]	Bill [as amended by the Committee, and on Re-commitment] - - -	I. 697.	
454.	– 20.	Church of Scotland - -	Bill, intituled, An Act to remove Doubts respecting the Admission of Ministers to Benefices in that Part of the United Kingdom called Scotland	I. 479.	c. 61.
455.	– –	Moveables (Scotland) - -	Bill, intituled, An Act to alter and amend, in certain Parts, the Law of Succession in Moveables in Scotland	III. 437.	

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456.	July 20.	Elections - - - - [Sir Robert Peel and Sir George Clerk.]	Bill to continue an Act for amending the Law for the Trial of Controverted Elections - - - - -	II. 439.	c. 47.
457.	- -	Prison Discipline - - [Sir James Graham and Mr. Manners Sutton.]	Bill for the Improvement of Prison Discipline - - - - - -	III. 519.	
458.	- -	Militia - - - - [Sir James Graham and Sir Henry Hardinge.]	Bill to suspend the making of Lists, and the Ballots and Enrolments for the Militia of the United Kingdom - -	III. 403.	c. 43.
459.	- 21.	Deputy Lieutenants (Ireland)	Copies of Correspondence between the Lord Lieutenant of Ireland and the Lord Lieutenants of Counties, on the Subject of Dismissals of Deputy Lieutenants - - - - - -	L. 159.	
460.	- -	Customs - - - - [Mr. Gladstone and Sir George Clerk.]	Bill to amend the Laws relating to Customs - - - - - -	I. 813.	c. 84.
461.	- -	Episcopal Functions - -	Bill, intituled, An Act for the Performance of the Episcopal Functions in case of the Incapacity of any Bishop or Archbishop - - - -	II. 441.	c. 62.
462.	- -	Marriages (Ireland) - -	Bill, intituled, An Act for Confirmation of certain Marriages in Ireland -	III. 369.	c. 39.
463.	- -	Corporations (Charitable Estates). [Mr. Fitz Roy Kelly and Sir Charles Douglas.]	Bill [as amended by the Committee, and on Re commitment] - - - -	I. 741.	c. 89.
464.	- -	Slave Trade Treaties - - [Sir George Clerk and Mr. Manners Sutton.]	Bill to continue an Act for authorizing Her Majesty to carry into immediate Execution, by Orders in Council, any Treaties for the Suppression of the Slave Trade - - - - -	IV. 409.	c. 46.
465.	- -	Bills of Exchange - - [Sir George Clerk and Mr. Chancellor of the Exchequer.]	Bill to continue an Act for exempting certain Bills of Exchange and Promissory Notes from the Operation of the Laws relating to Usury - -	I. 277.	c. 45.
466.	- -	Stock in Trade - - - [Sir James Graham and Mr. Manners Sutton.]	Bill to continue the Exemption of Inhabitants of Parishes, Townships and Villages, from Liability to be rated as such in respect of Stock in Trade or other Property to the Relief of the Poor - - - - - -	IV. 443.	c. 48.
467.	- -	Constabulary (Ireland) -	Names of all Persons receiving Pensions or Gratuities from the Superannuation or Reward Funds of the Force; with their Length of Service, Cause of Retirement, and Amount received by each - - - - - -	L. 95.	
468. I.	- 24.	Miscellaneous Services -	Estimates - - - - - - -	XXXI. 505.	
468. II.	- -	China - - - -	Estimate of Sums required to be voted, 1843, on account of Expenses of Expedition to China - - - -	XXXI. 375.	
468. III.	- -	China - - - -	Estimate of Sum required to make good to Holders of Opium, 1839, for Compensation due to them - - -	XXXI. 377.	
468. IV.	- -	Canada - - - -	Estimate of Amount required, 1843-44, to defray Expenses in Canada consequent upon late Insurrection - -	XXXI. 373.	
469.	- -	Arms (Ireland) - - - [Lord Eliot and Mr. Attorney-General for Ireland.]	Bill [as amended by the Committee, and on Re-commitment] - - -	I. 163.	c. 74.
470.	- -	Ecclesiastical Jurisdictions - [Sir James Graham and Mr. Manners Sutton.]	Bill for suspending the Operation of the new Arrangement of Dioceses, so far as it affects the existing Ecclesiastical Jurisdictions - - - -	II. 437.	c. 60.

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471.	July 24.	Allotments of Land and Loan Societies. [Lord Ashley, Earl of Arundel and Surrey, and Mr. Stanton.]	Bill to encourage Industry by facilitating the letting small Allotments of Land, and to provide for the Regulation of Loan Societies - - - -	III. 155.	
472.	- -	Stamp Duties - - - [Mr. Chancellor of the Exchequer and Sir George Clerk.]	Bill to impose certain Stamp Duties, and to amend the Laws relating thereto -	IV. 435.	c. 72.
473.	- -	West India Relief - - [Mr. Chancellor of the Exchequer and Sir George Clerk.]	Bill for granting Relief to the Islands of Antigua, St. Kitts, Nevis, Dominica and Montserrat - - - -	IV. 563.	c. 63.
474.	- -	Spirits (Ireland) - - [Mr. Chancellor of the Exchequer and Sir George Clerk.]	Bill to reduce the Duty on Spirits in Ireland, and to impose other countervailing Duties and Drawbacks on the Removal of certain Mixtures and Compounds between Ireland, England and Scotland respectively - - -	II. 489.	c. 49.
475.	- -	Loan Societies - - - [Mr. Manners Sutton and Mr. Gaskell.]	Bill to continue an Act to amend the Laws relating to Loan Societies -	III. 287.	c. 41.
476.	- -	Mines (America and Russia)	Returns from the British Diplomatic and Consular Agents in the several Mining Countries of America and Russia, relative to the precious Metals which have been of late Years raised, coined, &c. in those Countries - - -	LII. 231.	
477.	- -	Coals - - - - -	Account of the Quantity of Coals exported, July 1843, from the Ports of Newcastle, Sunderland and Stockton; distinguishing Coals shipped to British Possessions from those shipped to Foreign Parts - - - - -	LII. 35.	
478.	- -	Medicine Licenses (Scotland)	Return of the Number of Medicine Licenses issued in the different Districts in Scotland, September 1842 to May 1843 - - - - -	XLIX. 135.	
479.	- -	Church of Scotland - -	Copy of any Memorial or Address to Her Majesty or to Her Majesty's present Advisers, from the General Assembly of the Church of Scotland, praying for the Settlement and Endowment of *quoad sacra* Ministers in that Country -	XLIX. 9.	
480.	- -	Common Law Business (Ireland).	Costs taxed in Common Law Business in Ireland, entered in the Books of each Officer, since 1 & 2 Geo. 4, c. 53; specifying Number of Summonses, Number of Appointments for taxing, Certificates allowed, Costs allowed or certified, &c., and Totals each Year, and in quinquennial Periods - -	L. 85.	
481.	- 25.	Church of Scotland - -	Communications to Her Majesty or Her Ministers from the General Assembly of the Church of Scotland, or from any other Bodies, praying for Interference of Parliament to remove alleged existing Doubts as to Appointment of Ministers to Benefices, or for Alteration of the Act of Queen Anne, 1712 - - - - -	XLIX. 11.	
482.	- -	South Sea Company - -	Return of the Amount of the Unclaimed Dividends on the Stock and Annuities on the Books of the South Sea Company, 1 August 1842 - - -	XLVIII. 221.	
483.	- -	Mary-le-bone Workhouse -	Copy of Report of the Special Assistant Poor Law Commissioners, upon the Treatment of the Infant Pauper Children in the Mary-le-bone Workhouse; together with the Correspondence relating thereto - - - - -	XLV. 243.	

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484.	July 25.	Court of Session (Scotland) -	Return of the Amount and Application of the Fee Fund collected in the Court of Session, in each Year since the passing of the Act 1 & 2 Vict. c. 118 -	XLIX. 127.	
485.	- -	Militia Estimates - -	Report from the Select Committee appointed to prepare Estimates for the Charge of the Disembodied Militia of Great Britain and Ireland, 1843–44 -	XI. 311.	
486.	- 26.	Turnpike Acts - - - [Mr. Manners Sutton, Mr. Attorney-General and Mr. Solicitor-General.]	Bill [as amended by the Select Committee] - - - - - - -	IV. 511.	
487.	- -	Theatres - - - - [Sir James Graham, Mr. Manners Sutton and Lord Mahon.]	Bill for regulating Theatres - - -	IV. 479.	c. 68.
488.	- -	Prize Money (China) - -	Return of the Amount of Prize Money distributed amongst Her Majesty's Naval and Military Forces employed in China, pursuant to a Treasury Minute, December 1841; Return of all Prize and Ransom Money received and taken from the Chinese in the late War - - - - - - -	XXXI. 379.	
489.	- 27.	St. Kitts - - - -	Copy of Correspondence relative to the Conduct of the Lieutenant-Governor of St. Kitts - - - - - -	XXXIII. 115.	
490.	- -	Landlord and Tenant - - [Mr. S. Crawford, Sir D. Norreys and Mr. John Bodkin.]	Bill to amend the Law of Landlord and Tenant in Ireland - - - -	III. 233.	
491.	- -	Sattara - - - -	Copy of the additional Papers transmitted to the Court of Directors, in relation to the Commission of Inquiry held at Sattara, Oct. 1836, and ordered by a general Court of Proprietors of the East India Company, 21 December 1842 -	XXXVIII. Part I. 1.	
492.	- -	Metropolitan Police and London City Police.	Monies demanded, received and expended for the Purposes of the Metropolitan Police, December 1842; Men of each Rank, Class, &c.; Rate of Pay and Allowances; Establishment of City Police, 1842; Men of each Class; Rate of Pay, &c.; Receipts and Disbursements - - - - - - -	XLII. 309.	
493.	- -	Manchester Court of Requests.	Sums of Money paid, under 48 Geo. 3, into Court of Requests by Debtors; Sums received by Creditors; Sums unclaimed in each Year; Total Amount of such Funds each Year since 1833; when deposited, and in whose Name; Number of Causes tried; Executions issued; Number of Persons imprisoned each Year - - - -	XLIV. 171.	
494.	- -	Public Income and Expenditure.	Account of the Public Income and Expenditure of the United Kingdom, 1840, 1841, 1842; distinguishing Payment for Collection of Revenue; Charges of Public Debt; Expenses of Civil Government; Allowances to Royal Family; Expenses of Houses of Parliament and Civil Departments; Pensions; Diplomatic Expenses; Army, Navy, Ordnance, &c.; Public Works; Post Office and other Departments - -	XXX. 193.	
495.	- -	British Fisheries - -	Report by Commissioners for the British Fisheries of their Proceedings, 1842–43	XXIX. 269.	

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	1843.				7 Vict.
496.	July 27.	Probates of Wills (Ireland) -	Courts in Ireland which have been empowered to grant Probates of Wills and Letters of Administration, stating Extent of their respective Jurisdictions; in what Places and in whose Custody the respective Wills and Records are deposited; Dates of earliest Wills in their respective Registries; Period at which a Series of regular Wills exists; Detail of the State and Condition of the Records - - - -	LI. 323.	
497.	- 28.	Slave Trade - - -	Bill, intituled, An Act for the more effectual Suppression of the Slave Trade -	IV. 393.	c. 98.
498.	- -	Stamp Duties - - - [Mr. Chancellor of the Exchequer and Sir George Clerk.]	Bill [as amended by the Committee] -	IV. 439.	c. 72.
499.	- -	Coalwhippers - - - [Mr. W. Gladstone, the Lord Mayor of London, Mr. Masterman and Mr. Greene.]	Bill [as amended by the Select Committee] - - - - - -	I. 505.	L. & P. c. ci.
500.	- -	Heritable Securities (Scotland). [Mr. Rutherford and Mr. Fox Maule.]	Bill to facilitate the Constitution, Transmission and Extinction of Heritable Securities for Debt in Scotland -	III. 117.	
501.	- -	Slave Trade - - - [Mr. Chancellor of the Exchequer and Sir George Clerk.]	Bill for carrying into Effect the Treaty between Great Britain, Austria, Prussia and Russia, for the Suppression of the African Slave Trade - - -	IV. 185.	c. 50.
502.	- -	Slave Trade - - - [Mr. Chancellor of the Exchequer and Sir George Clerk.]	Bill for carrying into Effect the Treaty between Her Majesty and the Republic of Chile, for the Abolition of the Traffic in Slaves - - - - -	IV. 209.	c. 52.
503.	- -	Slave Trade - - - [Mr. Chancellor of the Exchequer and Sir George Clerk.]	Bill for carrying into Effect the Treaty between Her Majesty and the Mexican Republic, for the Abolition of the Traffic in Slaves - - - -	IV. 239.	c. 51.
504.	- -	Slave Trade - - - [Mr. Chancellor of the Exchequer and Sir George Clerk.]	Bill for carrying into Effect the Treaty between Her Majesty and the Queen of Portugal, for the Suppression of the Traffic in Slaves - - - -	IV. 261.	c. 53.
505.	- -	Turnpike Acts - - - [Mr. Manners Sutton and Mr. Gaskell.]	Bill to continue certain Turnpike Acts -	IV. 493.	c. 69.
506.	- -	Highway Rates - - - [Mr. Manners Sutton and Mr. Gaskell.]	Bill to continue an Act authorizing the Application of Highway Rates to Turnpike Roads - - - -	III. 133.	c. 59.
507.	- -	Bishops (Ireland) - - [Mr. Attorney-General for Ireland and Lord Eliot.]	Bill to relieve Bishops succeeding to Bishoprics, by Operation of the Act to alter and amend the Laws relating to the Temporalities of the Church in Ireland, from certain Liabilities - -	I. 279.	c. 57.
508.	- -	Drainage of Lands - - [Mr. Pusey, Lord Worsley and Sir John Trollope.]	Bill [as amended by the Committee, and on Re-commitment] - - -	II. 145.	
509.	- -	Caledonian Canal - -	Thirty-eighth Report of the Commissioners for making and maintaining the Caledonian Canal - - -	XXIX. 313.	
510.	- 31.	Probates of Wills - -	Return from the Court of Hustings, stating Extent of Jurisdiction in granting Probates of Wills, &c., and in whose Custody such Wills and Records are deposited; Date of earliest and latest Wills proved; Period at which there commences a regular Series of Wills - - - - - -	XL. 209.	

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511.	July 31.	Corn Laws Petition, Epworth and other Places - -	Second Report from the Select Committee to whom the Petition from Epworth, Barnby Dunn, &c., were referred, complaining of Forgeries of Signatures, were severally referred, with Evidence - - - - - -	XI. 125.	
512.	– –	Special Sessions - - -	Bill, intituled, An Act to regulate the convening and holding of Special Sessions of the Peace - - - -	IV. 411.	
513.	– –	Libel - - - - - -	Report from the Select Committee of the House of Lords appointed to consider the Law of Defamation and Libel, and to report thereon to the House, with Minutes of Evidence - -	V. 259.	
514.	– –	Sunderland Port - - -	Revenue received by Commissioners, under 11 Geo. 4, c. 49, in each Year since passing the Act; List of Commissioners now acting; Meetings of the Board; Attendance of Commissioners; Debts owing; Ships which have entered the Port, 1841–1842; Amount of Tonnage; Ships built in Sunderland, 1838–1842 - - -	LII. 313.	
515.	– –	Stamps and Taxes - -	Names of all Persons who held Office under the Board of Stamps and Taxes, September 1841; Nature of such Office; Salary; Annual Increase to each Officer from that Period; Grounds of Increase, and whether permanent -	XXX. 655.	
516.	– –	Legacy Duty - - -	Account of all Sums of Money paid for Cost on Rules, or other Proceedings for Recovery of Legacy Duties, and Duties on Residue, 1837–1838; of the Monies actually paid in respect of Fees and Disbursements included in Costs by the Solicitor or Comptroller of Legacy Duties, and Application of Costs - - - - - -	XXX. 479.	
517.	– –	Window Duty - - -	Return of the Duty on Windows assessed for the Twelve Towns in England paying the largest Amount - - -	XXX. 729.	
518.	– –	Knutsford House of Correction.	Return of the Reports of the Visiting Magistrates, &c., relating to the Gaol, or Management or any other matter connected with the House of Correction -	XLIII. 365.	
519.	– –	Incumbents and Curates -	Abstract of the Number and Classes of Non-resident Incumbents and Resident Incumbents, 1842; Total Number of Curates in each Diocese, 1842; Number resident in the Parsonage House; Number licensed; Amount of Stipends arranged in Classes; Number of Benefices held by Non-resident Incumbents, above and under £.300 per Annum - - - - - -	XL. 1.	
520.	– –	National Schools (Ireland) -	National Schools in Ireland which have been erected within the Precincts of Roman Catholic Chapels, or any Monastic Institutions; Number, Name, &c., of any Roman Catholic Chapels which have been erected on any Ground attached to National Schools, or Schools which shall have received Aid from the Board of Education - -	LI. 69.	
521.	Aug. 1.	Libel - - - -	Bill, intituled, An Act to amend the Law respecting Defamatory Words and Libel - - - - - - -	III. 275.	c. 96.

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522.	Aug. 1.	Fisheries - - - - [Mr. Gladstone, Mr. M. Sutton and Sir George Clerk.]	Bill to carry into effect a Convention between Her Majesty and the King of the French, concerning the Fisheries in the Seas between the British Islands and France - - - -	II. 685.	c. 79.
523.	- 2.	Joint Stock Companies -	Report from the Select Committee appointed to inquire into the State of the Laws respecting Joint Stock Companies - - - - - - -	XI. 215.	
524.	- -	Charitable Loan Societies (Ireland). [Lord Eliot, Sir R. Ferguson and Mr. G. A. Hamilton.]	Bill [as amended by the Select Committee] - - - - - - -	III. 321.	c. 91.
525.	- -	Slavery (East Indies) - -	Copy of a Legislative Despatch from the Secretary to the Government of India to the Secretary at the India House, 11 April 1843 - - - -	LVIII. 13.	
526.	- -	Cork Foundling Hospital -	Income and Expenditure of the Cork Foundling Hospital, each Year since 1837; showing Balance of 1837, and Balances each subsequent Year; Total Amount of Surplus Income in the Bank; Debts due to the Institution; Children maintained by the Institution; showing Age and Sex of Interns and Externs - - - - - - -	L. 99.	
527.	- -	Sheriff Clerks (Scotland) -	Abstracts of Returns from the Sheriff Clerks and Sheriffs Depute, &c., in each County and Stewartry in Scotland; showing the Income arising out of Fees, &c., to 1st January 1843; also, of the Dates of Transmission and Return of all Processes, &c., from 1st January 1842 to 1st January 1843 -	XLIX. 177.	
528.	- -	Court of Chancery - -	Return of Compensation granted to Officers of the High Court of Chancery, and chargeable upon the Suitors' Fee Fund - - - - - - -	XLIV. 159.	
529.	- 3.	Dublin, Applotment of Rates [Lord Eliot and Sir James Graham.]	Bill [as amended by the Committee] -	II. 217.	L. & P. c. cii.
530.	- -	Sudbury Commission - - [Mr. Blackstone and Mr. Tufnell.]	Bill for appointing Commissioners to inquire into the Existence of Bribery in the Borough of Sudbury - -	IV. 445.	c. 97.
531.	- -	New Churches - - -	Charges and Expenses paid by Her Majesty's Commissioners in the Execution of the several Acts of Parliament, for building and promoting the building of additional Churches in populous Parishes, March 1842–1843 -	XXX. 511.	
532.	- -	Coalwhippers Bill - -	Minutes of the Proceedings of the Select Committee on the Coalwhippers Bill -	XI. 25.	
533.	- 4.	Land Revenue - - - [Mr. Chancellor of the Exchequer and Sir George Clerk.]	Bill to declare and amend the Law for auditing and enrolling the Accounts of the Land Revenue of the Crown -	III. 229.	
534.	- -	Foreign Jurisdiction - - [Mr. George Hope and Mr. Solicitor-General.]	Bill to remove Doubts as to the Exercise of Power and Jurisdiction by Her Majesty, within divers Countries and Places out of Her Majesty's Dominions, and to render the same more effectual - - - - -	II. 703.	c. 94.

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535.	Aug. 4.	Yeomanry Cavalry - -	Names of the different Corps of Yeomanry Cavalry which have been, or which are to be re-established on permanent Pay and Allowances under the Estimate of the present Year - -	XXXI. 177.	
536.	– 7.	Episcopal Functions - -	Bill [as amended by the Committee] -	II. 447.	c. 62.
537.	– –	Special Sessions (No. 2.) - [Mr. Bodkin and Mr. Cripps.]	Bill to regulate the Convening and Holding of Special Sessions of the Peace - - - - - - -	IV. 419.	
538.	– –	Chelsea Hospital - - [Sir H. Hardinge and Sir James Graham.]	Bill for rendering more effective the Services of such Out-Pensioners of Chelsea Hospital as shall be called out to assist in preserving the Public Peace - - - - - - -	I. 437.	c. 95.
539.	– –	Public Notaries - - - [Mr. Manners Sutton and Viscount Sandon.]	Bill for removing Doubts as to the Service of Clerks or Apprentices to Public Notaries, and for amending the Laws regulating the Admission of Public Notaries - - - - -	III. 443.	c. 90.
540.	– –	Detached Parts of Counties - [Mr. Robert Scott and Mr. Brotherton.]	Bill to annex detached Parts of Counties to the Counties in which they are situated - - - - - - -	I. 811.	
541.	– –	Grand Jury Presentments - [Mr. Attorney-General for Ireland and Lord Eliot.]	Bill to make further Provision in respect of Grand Jury Presentments in Counties of Cities and Counties of Towns in Ireland - - - - -	III. 57.	c. 71.
542.	– –	Westminster Abbey and St. Paul's Cathedral.	Fees charged for admitting Individuals to see the Monuments in Westminster Abbey; distinguishing the Charge for Admission; Aggregate Amount received each Year since 1836: Similar Returns for St. Paul's - - - -	XL. 101.	
543.	– –	Petty Sessions (Ireland) -	Return of the Petty Sessions held in Ireland during 1842; the Number of Days and Dates thereof; the Number of Magistrates who attended, and, when no Petty Sessions were held, the Cause thereof - - - -	LI. 181.	
544.	– 8.	London Corporation - -	Annual Account of the Chamberlain of the City of London relating to Duties and Payments; Surpluses; London Bridge, Sale of Coals; Blackfriars Bridge, Navigation of Thames, Paving and Lighting; Ward Expenses; Mooring Chains; Royal Exchange; Sewers; Bridge House Estate; Police - -	XLVIII. 1.	
545.	– –	Militia - - - - [Sir Henry Hardinge and Mr. Greene.]	Bill to defray the Pay, Clothing and Contingent and other Expenses of the Disembodied Militia in Great Britain and Ireland, and to grant Allowances, in certain cases, to Officers and Surgeons, and to authorize the Employment of the Non-Commissioned Officers - - - - - - -	III. 405.	c. 70.
546.	– 9.	Exchequer Court (Ireland) - [Mr. Chancellor of the Exchequer, Lord Eliot and Sir G. Clerk.]	Bill for the further Regulation of the Offices of Chief and Second Remembrancer of the Court of Exchequer in Ireland - - - - - - -	II. 479.	c. 78.
547.	– –	Convict Service (Ireland) -	Returns of Reports by the Inspector-General of Prisons, and Superintendent of Convict Service, on Complaints forwarded to the Irish Government, between 1836 and 1842, and of Evidence taken relative to the Mode of conducting the Convict Service in Ireland, &c.	XLII. 483.	

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548.	Aug. 10.	Exchequer Bills - - [Mr. Chancellor of the Exchequer and Sir George Clerk.]	Bill for raising a Sum by Exchequer Bills for the Service of the Year 1843; and for amending an Act for granting Relief to certain Islands in the West Indies - - - - - -	II. 457.	c. 87.
549.	- -	Shipwrecks - - -	First Report from the Select Committee on Shipwrecks - - - -	IX. 1.	
550.	- -	Standing Orders' Revision -	Report from the Select Committee on Standing Orders' Revision, 1843 -	XI. 351.	
551.	- -	Public Departments - -	Return of Minutes of Customs, Excise, Stamps and Audit, as to Qualification and Age of Persons to be admitted to the Public Service in those Departments - - - - - - -	XXX. 585.	
552.	- -	Sessions of the Peace (Dublin) [Mr. Attorney-General for Ireland and Lord Eliot.]	Bill to make better Provision for the Appointment of a Deputy for the Chairman of the Sessions of the Peace in the County of Dublin; and to provide for the taking of an Oath by the said Chairman or Deputy; and to amend an Act 1 Vict., to amend the Law for the Recovery of Small Debts by Civil Bill in Ireland - - - - - -	II. 309.	c. 81.
553.	- -	Coalwhippers - - - [Mr. W. Gladstone, the Lord Mayor of London, Mr. Masterman and Mr. Greene.]	Bill [as amended in Committee, and on Report] - - - - - -	I. 525.	L. & P. c. ci.
554.	- -	Poor Law Unions - -	Account of the Prices of Articles of Consumption at the Poor Law Unions throughout England and Wales, in June 1842 and June 1843 - - -	XLV. 173.	
555.	- 11.	China - - - -	Bill, intituled, An Act for the better Government of Her Majesty's Subjects resorting to China - - - -	I. 441.	c. 80.
556.	- -	Affidavit, &c., Commissions (Scotland and Ireland.)	Bill, intituled, An Act for extending to Scotland and Ireland the Power of the Lord High Chancellor to grant Commissions to enable Persons to take and receive Affidavits; and for amending the Law relating to Commissions for the Examination of Witnesses - -	I. 59.	c. 82.
557.	- -	Coal Market, London - -	Sums of Money received and paid each Year, to 1842, by the Chamberlain of the City of London, in relation to the Market established for the Sale of Coals, pursuant to 1 & 2 Will. 4, c. 76, and 1 & 2 Vict., c. 106; also, Sums of Money invested under Authority of the said Acts; stating the Securities in which the same are invested, and Balance in Hand, December 1842 -	LII. 45.	
558.	- -	Public Income and Expenditure.	Account of the Income and Expenditure for the Year ended 5 July 1843; together with the Balances in the Exchequer at the Commencement and at the Termination of the Year; and the Amount of Funded or Unfunded Debt created or redeemed in the said Year -	XXX. 189.	
559.	- -	Mary-le-bone Workhouse -	Copy of the Proceedings of the Directors and Guardians of the Poor, relative to the Infant Pauper Children in the Workhouse, subsequent to 1 January 1843 - - - - - -	XLV. 335.	
560.	- -	Army Prize Money - -	Account of Unclaimed Prize Money formerly made by the Deputy Treasurer of the Royal Hospital at Chelsea, January 1809 to December 1842 - -	XXXI. 169.	

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561.	Aug. 12.	Mail Coach Contracts (Ireland)	Copy of Memorials to the Treasury, and Correspondence relating to the new Contracts for the Supply of Mail Coaches for the use of the Post Office in Ireland - - - - -	LI. 31.	
562.	- 14.	Coroners - - - -	Bill, intituled, An Act to amend the Law respecting the Duties of Coroners -	I. 701.	c. 83.
563.	- -	Standing Orders - -	Standing Orders of the House of Commons, 1685–1843 - - - -	XLIV. 49.	
564.	- -	Post Office - - -	Report from the Select Committee on Post Office, together with the Minutes of Evidence, Appendix and Index -	VIII. 1.	
565.	- -	New Churches - - -	Twenty-third Annual Report of Her Majesty's Commissioners for Building New Churches - - - -	XXIX. 1.	
566.	- -	Exchequer Court (Ireland) - [Mr. Chancellor of the Exchequer, Lord Eliot, and Sir G. Clerk.]	Bill [as amended by the Committee] -	II. 483.	c. 78.
567.	- -	Malta - - - -	Copies or Extracts of Papers relating to the Removal of the Rev. Mr. O'Malley, from the Office of Rector of the University of Malta - - - -	XXXIII. 125.	
568.	- -	Slavery (Ceylon) - -	Copies or Extracts of any Correspondence relative to the Abolition of Slavery in the Island of Ceylon, since the Date of the last Despatches laid before Parliament - - - - -	LVIII. 1.	
569.	- -	Sattara - - - -	Copy of Despatches from the Bombay Government, respecting the Affairs of Sattara - - - - - -	XXXVIII. Part I. 109; XXXVIII. Part II. 1.	
570.	- -	Reproductive Loan Fund Institution (Ireland).	Copy of Petition of the Earl of Clarendon and others, praying for the Incorporation of the Irish Reproductive Loan Fund Institution - - -	L. 401.	
571.	- -	Railway Bills - - -	Return of the Number of Railway Bills brought into Parliament in each Year, since 1839, and the Number of Railway Acts passed during that time -	XLIV. 43.	
572.	- -	Religious Worship (Church Property).	Return of all Money applied by Parliament in Aid of the Religious Worship of the Church of England, Church of Scotland, Church of Rome and Protestant Dissenters respectively, since 1800 - - - - - -	XL. 19.	
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575.	- -	Port Patrick Harbour -	Return of the Sums of Public Money which have been actually laid out in maintaining, repairing or improving the Harbour of Port Patrick, in the Years 1839, 1840, 1841 and 1842 - -	XXX. 601.	

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577.	- -	South Sea Company - -	Account of Duties levied under the South Sea Act, of Issues and Payments on account of South Sea Stock; Half-yearly Accounts of the South Sea Company, up to the 5th July 1843, &c.	XLVIII. 223.	
578.	- 15.	Teachers of Schools (Ireland)	Bill, intituled, An Act to provide for the Recovery, by Summary Process, of Sums due to the Teachers of Schools in Ireland - - - -	IV. 475.	
579.	- -	Special Sessions (No. 2) - [Mr. Bodkin and Mr. Cripps.]	Bill [as amended by the Committee] -	IV. 427.	
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581.	- -	Shipwrecks - - -	Second Report from the Select Committee on Shipwrecks, together with the Minutes of Evidence, Appendix, Index and Plans - - - -	IX. 669.	
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583.	- 17.	Smoke Prevention - -	Report from the Select Committee on Smoke Prevention - - - -	VII. 379.	
584.	- 18.	Slave Trade Suppression -	Bill [as amended by the Committee] -	IV. 399.	c. 98.
585.	- -	Ramsgate Harbour - -	Account of the Revenue and Expenditure of the Royal Harbour of Ramsgate Trust, from 24 June 1841 to 24 June 1842 - - - - -	XXX. 615.	
586.	- -	Dublin Corporation - -	Abstract of the Account of the Receipt and Expenditure of all Monies by the Corporation of the City of Dublin, up to the last period to which the said Account shall have been audited - -	L. 189.	
587.	- -	Deaf and Dumb Institution (Ireland).	Copy of Correspondence between the Chief Secretary for Ireland and the Governors of the Deaf and Dumb Institution in Ireland, relative to any Changes proposed in the Principles and Forms of Education - - -	L. 157.	
588.	- -	National Schools (Ireland) -	Return of the Number of Pupils who, for the four months previous to 30th April, have daily read portions of the Holy Scriptures - - - -	LI. 73.	
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591.	Aug. 18.	Poor Law - - - -	Return, showing the Number of In-door and Out-door Paupers relieved during the first Week of the month of April 1843, in the several Unions comprised in each Assistant Poor Law Commissioner's District - - - -	XLV. 1.	
592.	- -	County Court (County Palatine of Lancaster). [Lord Granville Somerset and Mr. Nicholl.]	Bill to extend the Jurisdiction and regulate the Proceedings of the County Court of the County Palatine of Lancaster - - - - - - -	III. 193.	
593.	- -	Court of Chancery (County Palatine of Lancaster). [Lord Granville Somerset and Mr. Nicholl.]	Bill to enlarge the Jurisdiction and improve the Practice and Proceedings of the Court of Chancery of the County Palatine of Lancaster - - -	III. 179.	
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595.	- -	Public Works (Canada) -	Copy of the Act of Parliament of Canada in 1841, appropriating Monies for Public Works in the Canadas, and Correspondence and Accounts upon the same subject - - - -	XXXII. 351.	
596.	- -	China - - - -	Correspondence and Returns relative to the Supply of Troops, Vessels and Munitions of War, for carrying on the Military Operations in China -	XXXV. 607.	
597.	- -	Sheriffs-Depute (Scotland) -	Abstract of Returns from Sheriffs-Depute in Scotland relative to the Revision of the Electoral Lists, during the Years 1839, 1840 and 1841 - -	XLIX. 185.	
598.	- -	Tithes Commutation - -	Returns of all Agreements and of all Awards, for the Commutation of Tithes, which have been confirmed by the Tithe Commissioners in England and Wales; also, of all Apportionments confirmed from 1 January to 1 July 1843 - - - - - - -	XL. 67.	
599.	- -	Sittings of the House - -	Return of the Number of Days on which the House of Commons sat in this Session of Parliament, stating the Total Number of Hours occupied in the Sittings of the House, and the average time; and also distinguishing the Number of Nights on which the House sat, and the Number of Hours after Midnight - - - -	XLIV. 47.	
600.	- 22.	Militia and Yeomanry Cavalry	Abstract of the Sums voted and the Amount actually expended for the Militia of the United Kingdom, distinguishing Great Britain from Ireland, from 1 January 1834 to 1 January 1843; also an Abstract of the Sums voted and expended for the Yeomanry Cavalry of Great Britain, from 1816 to 1843 - - - -	XXXI. 171.	
601.	- 24.	New Street Paving - -	Return of Amount expended in each of the last Five Years, by the Commissioners for Paving the Regent's Park, &c.	XLVIII. 37.	
602.	- -	Mail Coaches; Post Office; Postage (France).	Returns of the Number of Stage Coaches that have been used as Mails in England and Wales; of the Number of Applications at the General Post-office, London, for Letters stated to be missing in October and November 1839 and 1842; the Number of Letters forwarded Monthly, through France, to the East Indies, &c. &c. - - -	LIII. 327.	

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604.	- -	West India and Peninsula Mails.	Copies of Correspondence between the Treasury, Admiralty and Post Office, and of Memorials, &c., on the Subject of the Selection of a Port for the Arrival and Departure of the Mail Steam Packets to and from the West Indies, Mediterranean, &c. - -	LIII. 371.	
605.	- -	Exports and Imports - -	Accounts of Imports and Exports, and of Shipping employed to and from the British West India Colonies, North American Colonies, the East India Company's Territories and Ceylon -	LII. 155.	
606.	- -	Spirits - - - - -	Accounts of the Quantities of Proof Spirits distilled in the United Kingdom, Number of Gallons on which Duty was paid, and Number of Gallons imported into each Kingdom from each of the others, for the Quarters ended 5 April and 5 July in each of the Years 1842 and 1843 - - -	LII. 305.	
607.	- -	Excise Laws Offences (Ireland).	Return of Informations filed in the Court of Exchequer, under the Excise Laws, in the Years 1841, 1842 and 1843 respectively; the Number of Penalties recovered, with the Costs of Prosecutions, &c. - - - - -	L. 289.	
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612.	- -	Lunatic Asylums (Scotland)	Return of the Number of Windows, the Number of Patients, and the Amount of Assessed Taxes in each Lunatic Asylum in Scotland - - - -	XLIX. 133.	
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1840 and 1841; [in 494.] LVI. 18. 108. 117. 121

Yeomanry:

Number of troops, or corps, or regiments of effective yeomanry of Great Britain, including those serving gratuitously, according to the last muster or return; distinguishing the number of officers and men in each corps or regiment, and the expense in each corps, 1842, showing the manner in which the sums voted for Great Britain and Ireland in that year were expended, and distinguishing the new troops or corps since January 1842; (102.) - - - XXXI. 175

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Yeomanry—*continued.*

Return of the names of the different corps of yeomanry cavalry which have been or are to be re-established on permanent pay and allowances under the estimate of the present year; (535.) - - - - - - - - XXXI. 177

Abstract of the sums voted and the sums actually expended in each year for the yeomanry cavalry of Great Britain, from 1 January 1816 to 31 March 1843, exhibiting the expense of every kind in each year, and the total expense actually incurred in these years (*in continuation of Parl. Paper, No.* 67, *Sess.* 1834); (600.) - - - - - - - - - - - - - XXXI. 171

Ireland:

Copies of any order or orders for the disbanding of the yeomanry in Ireland; of any order or orders in respect of the discontinuance of pay to the staff and non-commissioned officers of yeomanry in Ireland, and of any order or orders for delivering into store the arms of the yeomanry in Ireland; (393.) - LI. 401

see also *Arms* and *Yeomanry.*

Z.

Zaffres:

Quantities imported, exported, and cleared for consumption in the United Kingdom; rates and amount of duty - - - - -
1839 and 1840; [in 427.] - LV. 17. 104
1840 and 1841; [in 494.] - LVI. 18. 108

Zealand, New:

Copies or extracts of any correspondence relative to the New Zealand estimates; (134.) - - - - - - - - - - - - XXXIII. 269

see also *Emigration,* 3. *Miscellaneous Services,* V.

Zinc and Calamine:

Quantities of foreign and British imported and exported to and from each country - - - -
1838 to 1840; [in 427.] - - - LV. 86
1839 to 1841; [in 494.] - - - LVI. 91

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